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Filing date: **12/22/2020**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91239589
Party	Defendant Bowmaker's Whiskey Company
Correspondence Address	THEODORE A BREINER BREINER & BREINER LLC 115 NORTH HENRY STREET ALEXANDRIA, VA 22314-2903 UNITED STATES Primary Email: Docketclerk@bbpatlaw.com Secondary Email(s): tbreiner@bbpatlaw.com, Elisedelatorre@bbpatlaw.com 703-684-6885
Submission	Defendant's Notice of Reliance
Filer's Name	THEODORE A. BREINER
Filer's email	tbreiner@bbpatlaw.com, Docketclerk@bbpatlaw.com, Elisedelatorre@bbpatlaw.com
Signature	/Theodore A. Breiner/
Date	12/22/2020
Attachments	Applicants First Notice of Reliance 12-22-20.pdf(4647610 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

MAKER'S MARK DISTILLERY, INC.,)	
)	
Opposer,)	
	)	Opposition No. 91239589
v.)	
)	
	)	USSN 87/383,989
	)	Mark: BOWMAKER'S WHISKEY
BOWMAKER'S WHISKEY COMPANY,)	
)	
Applicant.)	

APPLICANT'S FIRST NOTICE OF RELIANCE UNDER 37 C.F.R. §2.122

Applicant Bowmaker's Whiskey Company ("Applicant") hereby submits its First Notice of Reliance under 37 C.F.R. §2.122. Applicant may rely upon the documents set forth hereafter and the documents are labeled by exhibit number.

EXHIBIT 22 – Applicant's First Set Of Interrogatories. The relevance of the evidence is directed to, among other things, the issues of likelihood of confusion and to Applicant's claims and defenses.

EXHIBIT 23 – Opposer's Objections And Responses To Applicant's First Set Of Interrogatories. The relevance of the evidence is directed to, among other things, the issues of likelihood of confusion and to Applicant's claims and defenses.

EXHIBIT 24 – Opposer First Supplemental Response To Applicant's First Set Of Interrogatories (No. 6). The relevance of the evidence is directed to, among other things, the issues of likelihood of confusion and to Applicant's claims and defenses.

EXHIBIT 25 – Opposer Second Supplemental Response To Applicant’s First Set Of Interrogatories (Nos. 8 and 10). The relevance of the evidence is directed to, among other things, the issues of likelihood of confusion and to Applicant’s claims and defenses.

EXHIBIT 26 – Applicant’s Revised First Request For Admissions To Opposer. The relevance of the evidence is directed to, among other things, the issues of likelihood of confusion and to Applicant’s claims and defenses.

EXHIBIT 27 – Opposer’s Objections And Responses To Applicant’s Revised First Request For Admissions. The relevance of the evidence is directed to, among other things, the issues of likelihood of confusion and to Applicant’s claims and defenses.

EXHIBIT 28 – Applicant’s First Request For The Production Of Documents. The relevance of the evidence is directed to, among other things, the issues of likelihood of confusion and to Applicant’s claims and defenses.

EXHIBIT 29 – Opposer’s Objections And Responses To Applicant’s First Request For The Production Of Documents. The relevance of the evidence is directed to, among other things, the issues of likelihood of confusion and to Applicant’s claims and defenses.

EXHIBIT 30 – Opposer’s First Supplemental Responses To Applicant’s First Set Of Requests For The Production Of Documents (Nos. 6, 10, 11, 15 22). The relevance of the evidence is directed to, among other things, the issues of likelihood of confusion and to Applicant’s claims and defenses.

EXHIBIT 31 – Opposer’s Second Supplemental Responses To Applicant’s First Set Of Requests For The Production Of Documents (Nos. 3, 12, 13, 20 and 21). The relevance of the evidence is directed to, among other things, the issues of likelihood of

confusion and to Applicant's claims and defenses.

EXHIBIT 32 – Applicant's Second Request For The Production Of Documents. The relevance of the evidence is directed to, among other things, the issues of likelihood of confusion and to Applicant's claims and defenses.

EXHIBIT 33 – Opposer's Objections And Responses To Applicant's Second Requests For The Production Of Documents (Nos. 24-26). The relevance of the evidence is directed to, among other things, the issues of likelihood of confusion and to Applicant's claims and defenses.

Respectfully submitted,

BOWMAKER'S WHISKEY COMPANY

By /Theodore A. Breiner/
Theodore A. Breiner
Registration No. 32,103
BREINER & BREINER, L.L.C.
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Telephone (703) 684-6885

Attorneys for Applicant
Bowmaker's Whiskey Company

December 22, 2020

CERTIFICATE OF SERVICE

It is hereby certified that on this 22nd day of December 2020, a true copy of
the foregoing paper entitled –

APPLICANT’S FIRST NOTICE OF RELIANCE UNDER 37 C.F.R. §2.122

was served by email on -

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/Theodore A. Breiner/
THEODORE A. BREINER

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

MAKER'S MARK DISTILLERY, INC.,)	
)	
Opposer,)	
)	
v.	)	Opposition No. 91239589
)	
)	
	)	Serial No. 87/383,989
BOWMAKER'S WHISKEY COMPANY,	)	Mark: BOWMAKER'S WHISKEY
)	
Applicant.)	

- - - - -

APPLICANT'S FIRST SET OF INTERROGATORIES

Applicant hereby submits its first set of interrogatories to opposer to be answered separately and fully by an officer or agent of opposer in writing under oath in accordance with Rule 33 of the Federal Rules of Civil Procedure, 37 C.F.R. § 2.120 and TBMP § 405. Where the person answering an interrogatory has consulted with another person to obtain the response requested, please identify such person, giving his name, address and employer.

As used in these interrogatories, and except where the context indicates otherwise, "opposer" means and includes opposer Maker's Mark Distillery, Inc., and its predecessors, subsidiaries, divisions, officers, attorneys,

and all other persons in privity with opposer in respect to the matters inquired of herein.

The term "Opposer's Marks" mean the trademarks pleaded and asserted in opposer's notice of opposition, namely, MAKER'S MARK, Registration No. 678,192; MAKER'S 46, Registration No. 3,967,288; MAKER'S, Registration No. 4,964,096; and MAKER'S MARK PRIVATE SELECT, Registration No. 5,286,883, and any other mark opposer is asserting in this opposition.

The term "documents" is used herein in its customary broad sense to include, by way of illustration only and not by way of limitation, the following items, whether printed or reproduced by any process, or on a word processor or computer, or written, and/or produced by hand, and whether or not claimed to be privileged or otherwise excludable from discovery; namely, notes, correspondence, communications of any nature; telegrams; memoranda; notebooks of any character; summaries or records of telephone conversations; summaries or records of personal conversations; diaries; routing slips or memoranda; reports; test and/or analysis reports and notebooks; publications; invoices; specifications; shipping papers; purchase orders; shop drawings; charts; plans; drawings; photographs; artists' drawings; sketches; blueprints; minutes or records

of meetings; transcripts of oral testimony or statements; reports and/or summaries of interviews; reports and/or summaries of investigations; opinions or reports of consultants; forecasts; reports of patent, trademark or copyright searches; patent, trademark or copyright appraisals; opinions of counsel; agreements and contracts, including all modifications and/or revisions thereof; reports and/or summaries of negotiations; court papers; brochures; pamphlets; advertisements; advertising layouts; circulars; trade letters; press releases; drafts of, revisions of drafts of, and translations of any document, and all other written material of whatever kind known to or in the possession, custody, or control of opposer (including originals and copies thereof).

Whenever the identification of a document is requested, please give the following particulars:

- (a) the name of the sender, where applicable;
- (b) the name of the receiver, where applicable;
- (c) the date the document bears, if any;
- (d) the present whereabouts of the document when known to opposer;
- (e) in instances in which the document was sent by opposer, state what persons other than the addressee, if

any, received copies of the document and the present location of such copies, where known to opposer; and

(f) in instances where the sender or any addressee was an employee of opposer at the time of the sending, please state the capacity of that employee at the time, if he is still an employee of opposer and his present location, if known to opposer.

As to any information or documents withheld on the grounds of privilege or work product, state:

- (a) the basis for such claim;
- (b) the author of the document;
- (c) each individual or other person who received a copy of the document or to whom a copy of the document was sent;
- (d) the date of the document; and
- (e) the subject matter of the document.

Wherever the identification of a document is called for by an interrogatory, it will be deemed sufficient answer and will be appreciated if opposer elects to attach a copy of the subject document in lieu of an answer as to such interrogatory.

In each instance where the identity of the person is used in the answer, opposer is requested to state the

Opposition No. 91239589

last known residence address and the last known employer or business affiliation of each such person.

This request is intended to be continuing in its effect and to require supplemental answer with respect to any and all facts, persons, and documents falling within the scope which may, subsequent to the receipt and answering of this request by opposer, come into opposer's possession, custody or control.

Interrogatory No. 1

Identify all persons responsible for or involved in the conception, design, selection, approval or adoption of Opposer's Marks, and identify one or more individuals having the greatest knowledge of the events described in Interrogatory No. 1.

Interrogatory No. 2

(a) State the source or inspiration for Opposer's Marks.

(b) State the date(s) the decision to adopt each of Opposer's Marks was made by opposer with respect to each product or service on or in connection with which said mark now is, or formerly was, used by opposer, and identify each such product or service.

Interrogatory No. 3

Opposition No. 91239589

Identify all persons currently responsible and formerly responsible for conducting opposer's advertising in which Opposer's Marks have appeared or will appear.

Interrogatory No. 4

Identify all persons who opposer intends to call to give testimony in this case.

Interrogatory No. 5

Identify each expert witness which opposer intends to call during its testimony period and state the substance of the facts and opinions to which each expert is expected to testify and a summary of the grounds for each opinion.

Interrogatory No. 6

State the date and circumstances under which opposer first acquired information relative to applicant's intended use of the mark BOWMAKER'S WHISKEY.

Interrogatory No. 7

Has opposer licensed any other to use Opposer's Marks alone or in combination with another word or symbol, and if so, state each person or entity licensed.

Interrogatory No. 8

(a) Have Opposer's Marks ever been involved in

Opposition No. 91239589

any other litigation, opposition or cancellation proceeding, or other proceeding concerning opposer's rights in and to Opposer's Marks?

(b) If yes, provide a brief statement of the nature of the proceeding; the parties involved; the case name and number of proceeding; and the resolution of the proceeding.

Interrogatory No. 9

Please state the factual basis with specificity for opposer's allegation that there is a likelihood of confusion between applicant's mark BOWMAKER'S WHISKEY and Opposer's Marks as alleged in the notice of opposition, including identifying all documents in support thereof and identifying all witnesses who have personal knowledge thereof.

Interrogatory No. 10

Please state why opposer did not oppose or otherwise object to the third party use of/or registration of the trademarks using the terms "Maker's," "Maker" or "Mark" as part of the mark as referenced in the attached Exhibits 1-22, TESS copies of registrations for these trademarks.

Respectfully submitted,

BOWMAKER'S WHISKEY COMPANY

By: /s/Theodore A. Breiner

Theodore A. Breiner
Registration No. 32,103
BREINER & BREINER, L.L.C.
115 North Henry Street
Alexandria, Virginia 22314-2903
Telephone (703) 684-6885
Facsimile (703) 684-8206
tbreiner@bbpatlaw.com

July 30, 2018

Attorneys for Applicant

CERTIFICATE OF SERVICE

It is hereby certified that on this 30th day of
July, 2018, a true copy of the foregoing paper entitled-

APPLICANT'S FIRST SET OF INTERROGATORIES

was served by email on -

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MAYER BROWN LLP
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/s/Theodore A. Breiner
THEODORE A. BREINER



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MAKER'S TABLE

Word Mark	MAKER'S TABLE
Goods and Services	(CANCELLED) IC 033. US 047 049. G & S: Alcoholic beverages, namely, wines
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	79013073
Filing Date	May 6, 2005
Current Basis	66A
Original Filing Basis	66A
Published for Opposition	April 18, 2006
Registration Number	3114487
International Registration Number	0856049
Registration Date	July 11, 2006
Owner	(REGISTRANT) Beringer Blass Wine Estates Limited CORPORATION AUSTRALIA Level 2 77 Southbank Boulevard SOUTHBANK, VIC 3006 AUSTRALIA (LAST LISTED OWNER) Treasury Wine Estates Vintners Limited Incorporated Company 58 Queensbridge Street Southbank, Victoria 3006 AUSTRALIA
Attorney of Record	Gary D. Krugman
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	DEAD
Cancellation Date	May 6, 2015

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THE MAKER

Word Mark	THE MAKER
Goods and Services	IC 033. US 047 049. G & S: Wines. FIRST USE: 20110803. FIRST USE IN COMMERCE: 20130417
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85503034
Filing Date	December 23, 2011
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	May 22, 2012
Registration Number	4403990
Registration Date	September 17, 2013
Owner	(REGISTRANT) Wellington Harbour Holdings Limited COMPANY NEW ZEALAND 6th Floor, Huddart Parker Building 1 Post Office Square Wellington 6011 NEW ZEALAND (LAST LISTED OWNER) THREE H LIMITED CORPORATION NEW ZEALAND 49 LUCERNE ROAD REMUERA, AUCKLAND NEW ZEALAND 1050 (LAST LISTED OWNER) CRAWFORD, KIM INDIVIDUAL NEW ZEALAND 155 VICTORIA AVENUE REMUERA, AUCKLAND NEW ZEALAND 1050 (LAST LISTED OWNER) CRAWFORD, FREDERIKA ELFRIEDE INDIVIDUAL NEW ZEALAND 155 VICTORIA AVENUE REMUERA, AUCKLAND NEW ZEALAND 1050
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of	William D. O'Neill

Record**Type of Mark** TRADEMARK**Register** PRINCIPAL**Live/Dead
Indicator** LIVE[TESS HOME](#)[NEW USER](#)[STRUCTURED](#)[FREE FORM](#)[BROWSE DICT](#)[SEARCH OG](#)[TOP](#)[HELP](#)[HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)



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Barrel Maker

Word Mark BARREL MAKER

Goods and Services IC 033. US 047 049. G & S: Wine. FIRST USE: 20110901. FIRST USE IN COMMERCE: 20110901

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 86489398

Filing Date December 23, 2014

Current Basis 1A

Original Filing Basis 1A

Published for Opposition May 26, 2015

Registration Number **4790239**

Registration Date August 11, 2015

Owner (REGISTRANT) Cooper Wine Company, LLC LIMITED LIABILITY COMPANY WASHINGTON 35306 N. Sunset Road Benton City WASHINGTON 99320

Attorney of Record Thomas J. Schlegel

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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MAP MAKER

Word Mark	MAP MAKER
Goods and Services	IC 033. US 047 049. G & S: Wine
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77554123
Filing Date	August 22, 2008
Current Basis	44E
Original Filing Basis	1B;44D
Published for Opposition	April 28, 2009
Registration Number	3653684
Registration Date	July 14, 2009
Owner	(REGISTRANT) MAASDAM, RUUD ARIE INDIVIDUAL NEW ZEALAND 1734 Waihopai Valley, RD 6 Blenheim NEW ZEALAND 7276
Attorney of Record	Roxana A. Sullivan
Priority Date	July 28, 2008
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR).
Live/Dead Indicator	LIVE

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MAGIC MAKER

Word Mark MAGIC MAKER

Goods and Services IC 033. US 047 049. G & S: Wine. FIRST USE: 20130905. FIRST USE IN COMMERCE: 20130905

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 85876464

Filing Date March 14, 2013

Current Basis 1A

Original Filing Basis 1A

Published for Opposition July 30, 2013

Registration Number **4460225**

Registration Date December 31, 2013

Owner (REGISTRANT) Constellation Brands U.S. Operations, Inc. CORPORATION NEW YORK 235 North Bloomfield Road Canandaigua NEW YORK 14424

Attorney of Record Stephen L. Baker

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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Word Mark	SIN MAKER
Goods and Services	IC 033. US 047 049. G & S: Alcoholic energy drinks. FIRST USE: 20090501. FIRST USE IN COMMERCE: 20090501
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77669525
Filing Date	February 12, 2009
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	June 9, 2009
Registration Number	4049639
Registration Date	November 1, 2011
Owner	(REGISTRANT) Sinmaker, LLC LIMITED LIABILITY COMPANY LOUISIANA 2712 Tradition Avenue Baton Rouge LOUISIANA 70810
Attorney of Record	Thomas McEachin
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 8 (6-YR).
Live/Dead Indicator	LIVE

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Word Mark SIN MAKER

Goods and Services IC 033. US 047 049. G & S: Alcoholic energy drinks. FIRST USE: 20090501. FIRST USE IN COMMERCE: 20090501

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design 02.03.02 - Silhouettes of women; Women depicted as shadows or silhouettes of women

Search Code 03.17.01 - Wings, birds'
04.01.02 - Angels; Cherubs; Cupids; Halos on animals or humans; Winged personages
04.01.05 - Heads of devils or horned personages, with or without wings; Heads with horns (persons)
14.07.02 - Farm equipment, agricultural implements (non-motorized), pitchfork; Pitch forks; Pitchfork
27.03.02 - Humans forming letters or numerals; Humans forming punctuation

Serial Number 85129241

Filing Date September 14, 2010

Current Basis 1A

Original Filing Basis 1B

Published for Opposition March 1, 2011

Registration Number 4053946

Registration Date November 8, 2011

Owner (REGISTRANT) Sinmaker, LLC LIMITED LIABILITY COMPANY LOUISIANA 2712 TRADITION AVENUE BATON ROUGE LOUISIANA 70810

Attorney of Record THOMAS M. McEACHIN

Description of Mark Color is not claimed as a feature of the mark. The mark consists of stylized "S" and "N" with an angel holding a pitchfork in lieu of an "I" between the "S" and "N", all above the stylized word "maker".

Type of Mark TRADEMARK

Register PRINCIPAL

Affidavit Text SECT 8 (6-YR).

**Live/Dead
Indicator** LIVE

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STRIKE MAKER

Word Mark S STRIKE MAKER

Goods and Services IC 025. US 022 039. G & S: Clothing, namely, pants, shirts, jackets, masquerade costumes, beachwear, belts, Bermuda shorts, blazers, blouses, blousons, boxer shorts, coats for men and women, cravats, dresses, golf caps, jogging suits, ladies' underwear, men and women jackets, coats, trousers, vests, men's suits, women's suits, polo shirts, shorts, skirts and dresses, socks and stockings, swim wear for gentlemen and ladies, t-shirts, footwear, headgear, namely, hats, caps

IC 028. US 022 023 038 050. G & S: Games and playthings, namely, card games, arcade games, and chess games, backgammon games, clockwork toys, coin-operated amusement machines, counters and marbles for games, dart games, dominoes, draught boards, electronic action toys, electronic games other than those adapted for use with television receivers only, electronic learning toys, hand-held games with liquid crystal displays, inflatable toys, jigsaw puzzles, lottery wheels, marionettes, model cars, musical toys, playing cards, puzzles, scale model vehicles, toy action figures, toy animals, toy balloons, gymnastic and sporting articles, namely, gymnastic apparatus and gymnastic horizontal bars and sport balls, archery bows, archery targets, arrows, backgammon games, balls for games, bats for games, boards used in the practice of water sports, body-training apparatus, bowling apparatus and machinery, bowling bags, bowling balls, bowling gloves, bowling pins, boxing gloves, covers for golf clubs, discuses for sports, electronic targets for games and sports, fitted head covers for golf clubs, flippers for swimming, football or soccer goals, golf bags, golf balls, golf clubs, golf tees, hockey pucks, hockey sticks, in-line roller skates, jump ropes, kites, nets for sports, pétanque balls, play balls and play balloons, punching balls, rackets and strings for rackets, roller and ice skates, sails and sailboards for board sailing, skateboards, ski bindings, skis, snow shoes, snowboard bindings, softballs, surf boards, surf skis, swim fins, swimming boards, swimming flippers, table tennis bats, table tennis tables, tables for indoor football, tennis balls and shuttle-cocks, tennis nets and uprights, tennis racquets, waterskis

IC 032. US 045 046 048. G & S: Beers; mineral and aerated waters and non-alcoholic drinks, namely, softdrinks, flavored waters, frozen fruit-based beverages, fruit flavored drinks, isotonic beverages, lemonades, non-alcoholic beverages with tea flavour, non-alcoholic cocktails, still waters, vegetable juices, fruit drinks and fruit juices; syrups, concentrates and powders for making beverages

IC 033. US 047 049. G & S: Alcoholic beverages except beers

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design 26.01.17 - Circles, two concentric; Concentric circles, two; Two concentric circles

Search Code 26.01.21 - Circles that are totally or partially shaded.

Serial Number 79197972

Filing Date July 20, 2016

Current Basis 66A

Original Filing Basis 66A

Published for Opposition August 1, 2017

Registration Number 5308828

International Registration Number 0946418

Registration Date October 17, 2017

Owner (REGISTRANT) PIN MARKETING S.L. SOCIEDAD DE RESPONSABILIDAD LIMITADA SPAIN Avda. Felo Monzon, 18 Montana la Data Alta,
St. Bartolomede Tirajana Gran Canaria SPAIN E-35109

Attorney of Record Molly B. Markley

Description of Mark Color is not claimed as a feature of the mark. The mark consists of a stylized letter "S" in a circle above the stylized wording "STRIKE MAKER".

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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THE PARTY MAKER

Goods and Services

(CANCELLED) IC 032. US 045 046 048. G & S: Beer, mineral and aerated waters; non-alcoholic drinks, namely, non-alcoholic energy drinks; fruit drinks and fruit juices

(CANCELLED) IC 033. US 047 049. G & S: Alcoholic beverages, namely, alcoholic energy drinks

Standard Characters Claimed**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

Trademark Search Facility Classification Code

SHAPES-MISC Miscellaneous shaped designs

Serial Number

79061826

Filing Date

October 28, 2008

Current Basis

66A

Original Filing Basis

66A

Published for Opposition

April 21, 2009

Registration Number**3651463****International Registration Number**

0984292

Registration Date

July 7, 2009

Owner

(REGISTRANT) CULT A/S LIMITED LIABILITY COMPANY DENMARK Sindalsvej 5A DK-8240 Risskov DENMARK

(LAST LISTED OWNER) Bev.Con ApS private limited company DENMARK Lægårdsvej 24 DK-8520 Lystrup DENMARK

Priority Date

September 23, 2008

Type of Mark

TRADEMARK

Register

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Indicator**Cancellation Date** February 12, 2016[TESS HOME](#)[NEW USER](#)[STRUCTURED](#)[FREE FORM](#)[BROWSE DICT](#)[SEARCH OG](#)[TOP](#)[HELP](#)

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Word Mark	MEMBER'S MARK
Goods and Services	IC 033. US 047 049. G & S: Alcoholic beverages except beers. FIRST USE: 20091231. FIRST USE IN COMMERCE: 20091231
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77918180
Filing Date	January 22, 2010
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	June 1, 2010
Registration Number	3941793
Registration Date	April 5, 2011
Owner	(REGISTRANT) Wal-Mart Stores, Inc. CORPORATION DELAWARE 702 SW 8th Street Bentonville ARKANSAS 72716 (LAST LISTED OWNER) WALMART APOLLO, LLC LIMITED LIABILITY COMPANY DELAWARE 702 SW 8TH STREET MS 0215 BENTONVILLE ARKANSAS 72716
Assignment Recorded	ASSIGNMENT RECORDED
Prior Registrations	2579025;2579031;2579036;AND OTHERS
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR).
Live/Dead	LIVE

Exhibit 10

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Word Mark	MEMBER'S MARK
Goods and Services	IC 033. US 047 049. G & S: alcoholic beverages, except beer; alcoholic cocktail mixes. FIRST USE: 20100114. FIRST USE IN COMMERCE: 20100114
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	86862210
Filing Date	December 30, 2015
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	May 24, 2016
Registration Number	5396943
Registration Date	February 6, 2018
Owner	(REGISTRANT) Wal-Mart Stores, Inc. CORPORATION DELAWARE 702 SW 8th Street Bentonville ARKANSAS 72716 (LAST LISTED OWNER) WALMART APOLLO, LLC LIMITED LIABILITY COMPANY DELAWARE 702 SW 8TH STREET MS 0215 BENTONVILLE ARKANSAS 72716
Assignment Recorded	ASSIGNMENT RECORDED
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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COOPER'S MARK

Word Mark	COOPER'S MARK
Goods and Services	IC 033. US 047 049. G & S: Distilled spirits. FIRST USE: 20111023. FIRST USE IN COMMERCE: 20111023
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85009256
Filing Date	April 8, 2010
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	December 28, 2010
Registration Number	4115536
Registration Date	March 20, 2012
Owner	(REGISTRANT) Fast Forward Brands, LLC LIMITED LIABILITY COMPANY DELAWARE 1399 East Quincey Ave. Englewood COLORADO 80113
Attorney of Record	Stephen L. Baker
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "MARK" APART FROM THE MARK AS SHOWN
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR).
Live/Dead Indicator	LIVE

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OLD MARK

Word Mark	OLD MARK
Goods and Services	IC 033. US 047 049. G & S: Vodka. FIRST USE: 20140700. FIRST USE IN COMMERCE: 20141013
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85859240
Filing Date	February 25, 2013
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	July 16, 2013
Registration Number	4739555
Registration Date	May 19, 2015
Owner	(REGISTRANT) Obshchestvo s ogranichennoy otvetstvennostyu "RUSINVEST" obshchestvo s ogranichennoy otvetstvennostyu (ooo) RUSSIAN FED. Moskovskaya Oblast Novomytishchenskiy prospekt, 41, korp. 1 Mytishchi RUSSIAN FED. 141018
Attorney of Record	Alexander S. Lazouski
Prior Registrations	4177696
Type of Mark	TRADEMARK
Register	PRINCIPAL

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Word Mark OLD MARK
Goods and Services IC 033. US 047 049. G & S: Vodka. FIRST USE: 20140700. FIRST USE IN COMMERCE: 20141013
Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code 07.03.02 - Cathedral; Churches
 07.07.25 - Domes; Loading platforms; Solar panels
Serial Number 85853465
Filing Date February 19, 2013
Current Basis 1A
Original Filing Basis 1B
Published for Opposition August 13, 2013
Registration Number 4739553
Registration Date May 19, 2015
Owner (REGISTRANT) Obshchestvo s ogranichennoy otvetstvennostyu "RUSINVEST" obshchestvo s ogranichennoy otvetstvennostyu (ooo) RUSSIAN FED. Moskovskaya Oblast Novomytishchenskiy prospekt, 41, korp. 1 Mytishchi, RUSSIAN FED. 141018
Attorney of Record Alexander S. Lazouski
Prior Registrations 4177696
Description of Mark The color(s) red, white is/are claimed as a feature of the mark. The mark consists of five church domes in red and white colors with the wording "OLD MARK" in red below in stylized font. The letter "M" is in bigger size font.
Type of Mark TRADEMARK

Register PRINCIPAL
**Live/Dead
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Word Mark	GREEN MARK
Goods and Services	IC 033. US 047 049. G & S: Vodka
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	78555695
Filing Date	January 28, 2005
Current Basis	44E
Original Filing Basis	1B
Published for Opposition	November 17, 2009
Registration Number	3744765
Registration Date	February 2, 2010
Owner	(REGISTRANT) Obschestvo s ogranichennoi otvetstvennostiu "Glavspirtrest" LIMITED LIABILITY COMPANY RUSSIAN FED. Oktyabrskaya street 46 Pushkino Moscow region RUSSIAN FED. 141201
Attorney of Record	David C. Purdue
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR).
Live/Dead Indicator	LIVE

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SILVER MARK

Word Mark	SILVER MARK
Goods and Services	IC 033. US 047 049. G & S: Alcoholic beverages except beers. FIRST USE: 20120801. FIRST USE IN COMMERCE: 20121101
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85687238
Filing Date	July 26, 2012
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	December 25, 2012
Registration Number	4429720
Registration Date	November 5, 2013
Owner	(REGISTRANT) Intercontinental Packaging Co. CORPORATION MINNESOTA 2300 Pilot Knob Road Mendota Heights MINNESOTA 55120
Attorney of Record	Paulette R. Carey
Prior Registrations	3955931
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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SHEPHERDS MARK

Word Mark SHEPHERDS MARK

Goods and Services IC 033. US 047 049. G & S: Wines. FIRST USE: 20041213. FIRST USE IN COMMERCE: 20050201

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 85338285

Filing Date June 5, 2011

Current Basis 1A

Original Filing Basis 1A

Published for Opposition October 25, 2011

Registration Number **4083804**

Registration Date January 10, 2012

Owner (REGISTRANT) Alexandria Nicole Cellars, LLC LIMITED LIABILITY COMPANY WASHINGTON 2880 Lee Road, Suite D Prosser WASHINGTON 99350

Attorney of Record Jeffrey A. Hank, Esq.

Type of Mark TRADEMARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR).

Live/Dead Indicator LIVE

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Word Mark	VINTNER'S MARK
Goods and Services	IC 033. US 047 049. G & S: Wines. FIRST USE: 20120904. FIRST USE IN COMMERCE: 20120904
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85009688
Filing Date	April 8, 2010
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	January 11, 2011
Registration Number	4238105
Registration Date	November 6, 2012
Owner	(REGISTRANT) Fast Forward Brands, LLC LIMITED LIABILITY COMPANY DELAWARE 1399 East Quincey Ave. Englewood COLORADO 80113
Attorney of Record	Stephen L. Baker
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR).
Live/Dead Indicator	LIVE

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Word Mark BEAUTY MARK

Goods and Services IC 033. US 047 049. G & S: Wines. FIRST USE: 20150401. FIRST USE IN COMMERCE: 20150401

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 87226020

Filing Date November 4, 2016

Current Basis 1A

Original Filing Basis 1A

Published for Opposition March 28, 2017

Registration Number 5222540

Registration Date June 13, 2017

Owner (REGISTRANT) Guerrero Enterprises LLC LIMITED LIABILITY COMPANY CALIFORNIA P O Box 1675
Boyes Hot Springs CALIFORNIA 95416

Attorney of Record Heather A. Sapp

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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Word Mark	ROYAL MARK
Goods and Services	(CANCELLED) IC 033. US 049. G & S: Blended Scotch Whisky. FIRST USE: 19830513. FIRST USE IN COMMERCE: 19830513
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	73428275
Filing Date	June 1, 1983
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	April 17, 1984
Registration Number	1285527
Registration Date	July 10, 1984
Owner	(REGISTRANT) Joseph R. Seagram & Sons, Inc. CORPORATION INDIANA 375 Park Ave. New York NEW YORK 10152
Attorney of Record	Cindy E. Nelson
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	DEAD
Cancellation Date	December 7, 1990

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KING'S
MARK

Word Mark	KING'S MARK
Goods and Services	(EXPIRED) IC 033. US 049. G & S: SCOTCH WHISKY. FIRST USE: 19600712. FIRST USE IN COMMERCE: 19601020
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	05.05.03 - Fleur-de-lis
Serial Number	72259171
Filing Date	November 21, 1966
Current Basis	1A
Original Filing Basis	1A
Registration Number	0842977
Registration Date	January 23, 1968
Owner	(REGISTRANT) SAZERAC COMPANY, INC. DBA KINGS'S MARK COMPANY CORPORATION LOUISIANA P.O. BOX 52821 803 JEFFERSON HIGHWAY NEW ORLEANS LOUISIANA 70152
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Todd S. Bontemps
Disclaimer	THE WORD "MARK" IS DISCLAIMED APART FROM THE MARK AS SHOWN.
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15.

Renewal 1ST RENEWAL 19880123
Live/Dead Indicator DEAD

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Typed Drawing

Word Mark	FANCY MARK
Goods and Services	(EXPIRED) IC 033. US 049. G & S: GIN. FIRST USE: 19520410. FIRST USE IN COMMERCE: 19520410
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	71629483
Filing Date	May 10, 1952
Current Basis	1A
Original Filing Basis	1A
Registration Number	0600119
Registration Date	December 28, 1954
Owner	(REGISTRANT) FLEISCHMANN DISTILLING CORPORATION, THE CORPORATION DELAWARE 595 MADISON AVE. NEW YORK NEW YORK
Assignment Recorded	ASSIGNMENT RECORDED
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15.
Renewal	1ST RENEWAL 19741228
Live/Dead Indicator	DEAD

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

MAKER’S MARK DISTILLERY, INC.,)	
)	
Opposer,)	
)	
v.	)	Opposition No.: 91239589
)	
BOWMAKER’S WHISKEY COMPANY)	
	)	Serial No. 87/383,989
Applicant.	)	Mark: BOWMAKER’S WHISKEY

**OPPOSER’S OBJECTIONS AND RESPONSES TO
APPLICANT’S FIRST SET OF INTERROGATORIES**

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure and Rules 406 and 410 of the Trademark Trial and Appeal Board Manual of Procedure (“TBMP”), Opposer Maker’s Mark Distillery, Inc. (“Maker’s”), by and through its attorneys, hereby objects and responds to Applicant’s First Set of Interrogatories (Nos. 1-10) (the “Interrogatories”), served by Bowmaker’s Whiskey Company (“Applicant” or “Bowmaker’s”) on July 30, 2018, as follows:

PRELIMINARY STATEMENT

1. Maker’s is willing to meet and confer with Applicant at a mutually agreeable time to discuss Maker’s objections and responses and to resolve any disputes or disagreements in connection therewith.
2. Inadvertent production of any document or information protected from disclosure by the attorney-client privilege, the joint defense privilege, the work-product doctrine or any other applicable privilege or protection is not intended to be a waiver of such privileges or protections in whole or in part.

3. The objections and responses herein are made solely for the purpose of this action. Maker's objections and responses are not intended to waive or prejudice any objections that Maker's may assert now or in the future, including objections to the relevance of the subject matter of any discovery request, or to the admissibility of any response or document or category of responses or documents. Maker's expressly reserves any and all rights and privileges under the Federal Rules of Civil Procedure, the Federal Rules of Evidence, the rules of the United States Trademark Trial and Appeal Board, and any other applicable rule or law. The failure to assert such rights and privileges, or the inadvertent disclosure by Maker's of information protected by such rights or privileges, shall not constitute a waiver thereof, either with respect to these responses, the subject matter thereof, or with respect to any future discovery responses or objections.

4. No incidental or implied admissions are intended by the responses herein. The fact that Maker's has answered or objected to any interrogatory should not be taken as an admission that Maker's accepts or admits the existence of any "fact" set forth or assumed by such interrogatory. That Maker's has answered all or part of any interrogatory is not intended to be, and shall not be construed to be, a waiver by Maker's of any objection to any interrogatory, or any portion of any interrogatory.

5. Maker's responses are based upon information presently available to and located by Maker's. Maker's has not completed investigation of all of the facts relating to this case, discovery in this action, or its preparation for trial. The responses are given without prejudice to Maker's right to produce evidence of any additional facts. As such, these responses are subject to supplementation and amendment as discovery in this case progresses, should future investigation or discovery indicate that supplementation or amendment is necessary. Maker's

reserves the right to make any use of, or introduce at any hearing or trial, information or documents that are responsive to these interrogatories, but discovered subsequent to Maker's service of these responses, including, but not limited to, any information or documents obtained in discovery herein.

6. Maker's search for responsive documents and information is ongoing. Pursuant to Rule 26(e) of the Federal Rules of Civil Procedure, Maker's specifically reserves the right to supplement its responses and productions and, if necessary, to assert additional objections arising from further investigation.

GENERAL OBJECTIONS

In addition to the specific objections set forth in Maker's response to each Interrogatory, the following objections apply to all of Applicant's Definitions and the Interrogatories ("General Objections"), which are hereby incorporated by reference into the individual responses to the Interrogatories, and shall have the same force and effect as if fully set forth in the responses to the Interrogatories. Maker's objects as follows:

1. Maker's objects to each Interrogatory to the extent that it purports to impose upon Maker's discovery obligations that exceed those provided for in the Federal Rules of Civil Procedure, the rules of the United States Trademark Trial and Appeal Board, and any other applicable rule or law.

2. Maker's objects to the "Definitions" to the extent that they seek to impose requirements or obligations on Maker's in addition to or different from those imposed by the Federal Rules of Civil Procedure, the rules of the United States Trademark Trial and Appeal Board, and any other applicable rule or law. Maker's further objects to the "Definitions" to the extent they purport to alter the plain meaning and/or scope of any specific Interrogatory, on the

ground that such alteration renders the Interrogatory vague, ambiguous, unduly broad, and/or uncertain, by failing to adequately define terms or by using terms the meaning of which are not readily available or decipherable. Maker's will not undertake, assume, or comply with the Definitions to the extent they exceed the Federal Rules of Civil Procedure or the rules of the United States Trademark Trial and Appeal Board. Maker's responses to such Interrogatories shall not be construed as an admission, agreement, or acquiescence in any such Definition.

3. Maker's objects to the definition of "Opposer" to the extent they include any predecessor, subsidiary, division, officer, attorney or any other persons or entities that are not parties to this action, or otherwise to the extent these definitions improperly expand the scope of discovery by seeking information and documents that are not currently in the possession, custody, or control of Maker's. Maker's further objects to these definitions as overly broad, unduly burdensome, legally incorrect, and irrelevant to the extent that they purport to include within their scope "predecessors, subsidiaries, divisions, officers, attorneys, and all other persons in privy with opposer."

4. Maker's objects to the definition of "Documents" to the extent that the definition is overly broad, unduly burdensome, and legal incorrect as this definition improperly expands the scope of discovery by seeking information and documents that are not related or currently in the possession, custody, or control of Maker's

5. Maker's objects to the Interrogatories as having no specified relevant time period. Applicant attempts to impose production obligations that are excessive, overly broad, and unduly burdensome, particularly given that the trademark application that is the subject of this opposition was not filed until March 24, 2017.

6. Maker's objects to any Interrogatory to the extent that it is vague, ambiguous, confusing, overly broad, and/or unduly burdensome. Maker's objects to the extent the Interrogatories seek documents regarding all surveys, public opinion polls, or market research concerning any matter relating to Maker's marks, which is unduly burdensome given that Maker's has been using the trademark MAKER'S MARK since at least as early as November 1, 1957.

7. Maker's objects to any Interrogatory to the extent that it seeks information that is not relevant to the subject matter of this proceeding. Maker's objections and responses are not intended and should not be construed as an acknowledgement of relevance.

8. Maker's objects to any Interrogatory to the extent that it seeks information that is protected by the attorney-client, work product, investigative information, common interest, and/or consulting expert's privilege or which is otherwise immune from discovery pursuant to any applicable law or rule. Nothing contained in these responses is intended as, or shall in any way be deemed, a waiver of any attorney-client, work product, investigative information, common interest, and/or consulting expert's privilege or any other applicable privileges, immunities, or exceptions, and to the extent that any Interrogatory may be construed as calling for disclosure of information, documents, and/or things protected by such privileges or doctrines, a continuing objection to each and every such Interrogatory is hereby asserted.

9. Maker's objects to any Interrogatory as overly broad and unduly burdensome to the extent that it seeks information already available to Applicant, available from public agency records, or otherwise in the public domain and accessible to both parties, or where the burden of obtaining, deriving, or ascertaining the responsive documents is substantially the same for Applicant as it is for Maker's.

10. Maker's objects to any Interrogatory to the extent that it seeks information that Maker's is not permitted to disclose pursuant to confidentiality obligations or agreements with third parties in the absence of a protective order entered in this case.

11. Maker's objects to any Interrogatory to the extent it seeks confidential and proprietary information, including trade secrets and competitively sensitive business information, where any purported marginal benefits of production of the requested information are outweighed by the burden associated with producing such highly sensitive materials.

12. Maker's objects to any Interrogatory as improper to the extent multiple subparts, whether specifically enumerated or otherwise, are asserted as a single Interrogatory.

13. Maker's objects to any Interrogatory to the extent that it seeks information that is not known or reasonably available to Maker's, or that is not within Maker's possession, custody, or control, or calls for Maker's to prepare documents and/or things that do not already exist. In responding to each Interrogatory, Maker's understands the Interrogatory as seeking only information that is in Maker's possession, custody, or control.

14. Maker's objects to these Interrogatories to the extent that they seek to impose an obligation to identify or search for information or documents at any location, or from any source other than where they would reasonably be expected to be stored in the ordinary course of business.

15. Maker's discovery and investigation in connection with this case are ongoing. As a result, Maker's responses concern information obtained and reviewed to date, and the objections, limitations, and responses contained in this Response are subject to and without waiver of any right of Maker's to: (a) object to other discovery requests directed to the subject matter of the Interrogatories and this Response; (b) make additional or supplementary objections

to the Interrogatories; and (c) revise, correct, supplement, or clarify the contents of this Response, after considering information obtained or reviewed through further discovery and investigation.

16. No objection, limitation, or response, or lack thereof, made herein shall be deemed an admission by Maker's as to the existence or non-existence of any information or documents, and shall not be construed in any way as an admission that any definition provided by Applicant is either factually correct or legally binding upon Maker's, or as a waiver of any of Maker's objections, including but not limited to objections regarding discoverability of documents or other evidence. Maker's enumeration of specific objections in response to each Interrogatory is not, and should not be construed to be, a waiver of any objection not so specified.

17. By identifying or producing any information, documents or things in response to any Interrogatory, Maker's does not stipulate, and expressly reserves all objections, to the authenticity, relevance, materiality, and admissibility of any such documents or things.

18. If Maker's produces information in response to any Interrogatory, Maker's reserves the right to produce additional information or documents that may come to its attention or become available in the future or to use such information or documents in any hearing or proceeding in this or any other action.

19. Maker's objects to each Interrogatory to the extent it seeks "all" subject matter as overbroad and unduly burdensome. "All" shall be understood to mean the information that Maker's is able to locate using reasonable diligence and judgment concerning the whereabouts of responsive information and documents. Such phraseology should not be construed as a

representation that each and every piece of information in the possession of Maker's has been examined in connection with these responses or any production pursuant thereto.

SPECIFIC OBJECTIONS AND RESPONSES

Interrogatory No. 1:

Identify all persons responsible for or involved in the conception, design, selection, approval or adoption of Opposer's Marks, and identify one or more individuals having the greatest knowledge of the events described in Interrogatory No. 1.

Response to Interrogatory No. 1:

Maker's incorporates by reference the Preliminary Statement and General Objections set forth above. Maker's objects to Applicant's definition of "Opposer" (which includes, without limitation, "predecessors, subsidiaries, divisions, officers, attorneys, and all other persons in privity with opposer") as unduly burdensome and overly broad. Maker's objects to the request to identify "all" persons as overbroad and unduly burdensome. Priority is not at issue as Maker's is clearly the senior user. Accordingly, information about Maker's selection of its marks is irrelevant. Maker's further objects to this Interrogatory as vague and ambiguous to the extent it relies on the term "involved," which is undefined, overbroad and unduly burdensome. Maker's also objects to this Interrogatory as being compound and as improperly having multiple discrete subparts, each of which would be considered a separate interrogatory.

Subject to and without waiving the foregoing general and specific objections, Maker's identifies Bill Samuels, Sr. and Margie Samuels as responsible for the conception, design, selection, approval or adoption of MAKER'S MARK, and identifies Rob Mason and Nathalie Phillips as having knowledge of the foregoing.

Interrogatory No. 2:

(a) State the source or inspiration for Opposer's Marks.

(b) State the date(s) the decision to adopt each of Opposer's Marks was made by opposer with respect to each product or service on or in connection with which said mark now is, or formerly was, used by opposer, and identify each such product or service.

Response to Interrogatory No. 2:

Maker's incorporates by reference the Preliminary Statement and General Objections set forth above. Maker's objects to Applicant's definition of "Opposer" (which includes, without limitation, "predecessors, subsidiaries, divisions, officers, attorneys, and all other persons in privity with opposer") as unduly burdensome and overly broad. Maker's objects to this Interrogatory as vague and ambiguous to the extent it relies on the terms "source" and "inspiration," both of which are undefined, overbroad and unduly burdensome. Maker's further objects to this Interrogatory to the extent it requests Maker's identify the date Maker's made the "decision to adopt each of Opposer's Marks with respect to each product or service" as unduly burdensome and overly broad. Maker's objects to this Request to the extent it seeks information that is irrelevant to the present opposition proceeding since priority is not at issue. Maker's also objects to the extent this Interrogatory seeks a response concerning how Opposer's Marks were "formerly" used by Maker's as vague and ambiguous concerning the relevant time period, and unduly burdensome and overly broad. Maker's objects to this Interrogatory as being compound and as improperly having multiple discrete subparts, each of which would be considered a separate interrogatory.

Subject to and without waiving the foregoing general and specific objections, Maker's responds that MAKER'S MARK was first used in connection with whiskey at least as early as

November 1, 1957 and has been in use continuously since that time. The trademark was inspired by the unique branding of the favorite pewter craftsmen of Margie Samuels. In addition, MAKER'S MARK has been used in connection with various other goods since that time.

Interrogatory No. 3:

Identify all persons currently responsible and formerly responsible for conducting opposer's advertising in which Opposer's Marks have appeared or will appear.

Response to Interrogatory No. 3:

Maker's incorporates by reference the Preliminary Statement and General Objections set forth above. Maker's objects to Applicant's definition of "Opposer" (which includes, without limitation, "predecessors, subsidiaries, divisions, officers, attorneys, and all other persons in privity with opposer") as unduly burdensome and overly broad. Maker's objects to the request to identify "all" persons as overbroad and unduly burdensome. Maker's also objects to the extent this Interrogatory seeks a response concerning persons "formerly" responsible for conducting opposer's advertising as vague and ambiguous concerning the relevant time period, and unduly burdensome and overly broad. Maker's also objects to this Interrogatory as being compound and as improperly having multiple discrete subparts, each of which would be considered a separate interrogatory.

Subject to and without waiving the foregoing general and specific objections, Maker's identifies Rob Mason and Nathalie Phillips as having knowledge of Maker's advertising.

Interrogatory No. 4:

Identify all persons who opposer intends to call to give testimony in this case.

Response to Interrogatory No. 4:

Maker's incorporates by reference the Preliminary Statement and General Objections set forth above.

Subject to and without waiving the foregoing general and specific objections, Maker's identifies Rob Mason, Nathalie Phillips, a survey expert, Ruth Khalsa, and Bryan Parks. Maker's expressly reserves the right to supplement and/or amend its response to this Interrogatory at an appropriate time and as its investigation continues in accordance with Fed. R. Civ. P. 26(e).

Interrogatory No. 5:

Identify each expert witness which opposer intends to call during its testimony period and state the substance of the facts and opinions to which each expert is expected to testify and a summary of the grounds for each opinion.

Response to Interrogatory No. 5:

Maker's incorporates by reference the Preliminary Statement and General Objections set forth above.

Subject to and without waiving the foregoing general and specific objections, discovery and investigation relating to this Interrogatory are ongoing and Maker's has not yet retained a testifying survey expert. Maker's expressly reserves the right to supplement and/or amend its response to this Interrogatory at an appropriate time and as its investigation continues in accordance with Fed. R. Civ. P. 26(e).

Interrogatory No. 6:

State the date and circumstances under which opposer first acquired information relative to applicant's intended use of the mark BOWMAKER'S WHISKEY.

Response to Interrogatory No. 6:

Maker's incorporates by reference the Preliminary Statement and General Objections set forth above. Maker's objects to this Interrogatory to the extent it seeks information that is irrelevant to the present opposition proceeding. Maker's further objects to this Interrogatory to the extent it seeks documents and information covered by the attorney-client privilege, work product privilege, common interest doctrine, any other applicable privilege or immunity, or which are otherwise immune from discovery pursuant to any applicable law or rule. Unless or until Applicant revises this Interrogatory, or serves a properly tailored request in its place, Maker's cannot and will not respond to this Interrogatory.

Interrogatory No. 7:

Has opposer licensed any other to use Opposer's Marks alone or in combination with another word or symbol, and if so, state each person or entity licensed.

Response to Interrogatory No. 7:

Maker's incorporates by reference the Preliminary Statement and General Objections set forth above. Maker's objects to Applicant's definition of "Opposer" (which includes, without limitation, "predecessors, subsidiaries, divisions, officers, attorneys, and all other persons in privity with opposer") as unduly burdensome and overly broad. Maker's objects to this Interrogatory as vague and ambiguous concerning the relevant time period, and unduly burdensome and overly broad. Maker's further objects to this Interrogatory to the extent that it seeks information that Maker's is not permitted to disclose pursuant to confidentiality obligations or agreements with third parties. Maker's also objects to this Interrogatory to the extent it seeks confidential and proprietary information, including competitively sensitive business information, where any purported marginal benefits of production of the requested information are

outweighed by the burden associated with producing such highly sensitive materials. Maker's objects to this Interrogatory as being compound and as improperly having multiple discrete subparts, each of which would be considered a separate interrogatory.

Subject to and without waiving the foregoing general and specific objections, Maker's responds that there are no licenses that are relevant to this matter and that Maker's does not currently license the MAKER'S MARK in connection with alcohol products.

Interrogatory No. 8:

(a) Have Opposer's Marks ever been involved in any other litigation, opposition or cancellation proceeding, or other proceeding concerning opposer's rights in and to Opposer's Marks?

(b) If yes, provide a brief statement of the nature of the proceeding; the parties involved; the case name and number of proceeding; and the resolution of the proceeding.

Response to Interrogatory No. 8:

Maker's incorporates by reference the Preliminary Statement and General Objections set forth above. Maker's objects to Applicant's definition of "Opposer" (which includes, without limitation, "predecessors, subsidiaries, divisions, officers, attorneys, and all other persons in privity with opposer") as unduly burdensome and overly broad. Maker's objects to this Interrogatory as vague and ambiguous concerning the relevant time period, and unduly burdensome and overly broad. Maker's also objects to this Interrogatory as being compound and as improperly having multiple discrete subparts, each of which would be considered a separate interrogatory. To the extent this Interrogatory seeks information that is publically available, Maker's objects to this Interrogatory as unduly burdensome for requesting information that is equally available to Applicant. Maker's further objects to this Interrogatory to the extent that it

seeks information that Maker's is not permitted to disclose pursuant to confidentiality obligations or agreements with third parties. Unless or until Applicant revises this Interrogatory, or serves a properly tailored request in its place, Maker's cannot and will not respond to this Interrogatory.

Interrogatory No. 9:

Please state the factual basis with specificity for opposer's allegation that there is a likelihood of confusion between applicant's mark BOWMAKER'S WHISKEY and Opposer's Marks as alleged in the notice of opposition, including identifying all documents in support thereof and identifying all witnesses who have personal knowledge thereof.

Response to Interrogatory No. 9:

Maker's incorporates by reference the Preliminary Statement and General Objections set forth above. Maker's objects to Applicant's definition of "Opposer" (which includes, without limitation, "predecessors, subsidiaries, divisions, officers, attorneys, and all other persons in privity with opposer") as unduly burdensome and overly broad. Maker's further objects to this Interrogatory to the extent it seeks documents and information covered by the attorney-client privilege, work product privilege, common interest doctrine, any other applicable privilege or immunity, or which are otherwise immune from discovery pursuant to any applicable law or rule. Maker's objects to the request to identify "all" documents and "all" witnesses as overbroad and unduly burdensome. Maker's objects to this Interrogatory to the extent it calls for attorney argument. Maker's also objects to this Interrogatory as being compound and as improperly having multiple discrete subparts, each of which would be considered a separate interrogatory.

Subject to and without waiving the foregoing general and specific objections, and in addition to the above, Maker's responds that there is a likelihood of confusion between BOWMAKER'S WHISKEY and Opposer's Marks due to, among other things, confusingly

similar trademarks used in connection with identical goods, the proximity of the goods in the marketplace, the similarity of marketing channels used or intended to be used, and Opposer's priority of use of the well-known MAKER'S MARK trademark in the marketplace. Maker's will produce and specify records to be reviewed in accordance with this interrogatory, in accordance with Fed. R. Civ. P. 33(d). Maker's expressly reserves the right to supplement and/or amend its response to this Interrogatory at an appropriate time and as its investigation continues in accordance with Fed. R. Civ. P. 26(e).

Interrogatory No. 10:

Please state why opposer did not oppose or otherwise object to the third party use of/or registration of the trademarks using the terms "Maker's," "Maker" or "Mark" as part of the mark as referenced in the attached Exhibits 1-22, TESS copies of registrations for these trademarks.

Response to Interrogatory No. 10:

Maker's incorporates by reference the Preliminary Statement and General Objections set forth above. Maker's objects to this Interrogatory to the extent it seeks documents and information covered by the attorney-client privilege, work product privilege, common interest doctrine, any other applicable privilege or immunity, or which are otherwise immune from discovery pursuant to any applicable law or rule. Maker's objects to this Interrogatory to the extent it calls for attorney argument. Maker's also objects to this Interrogatory as being compound and as improperly having multiple discrete subparts, each of which would be considered a separate interrogatory. Unless or until Applicant revises this Interrogatory, or serves a properly tailored request in its place, Maker's cannot and will not respond to this Interrogatory.

September 19, 2018

Respectfully submitted,

By: /s/ Richard M. Assmus

Michael D. Adams
Richard M. Assmus
Daniel P. Virtue
MAYER BROWN LLP
P.O. Box 2828
Chicago, IL 60690-2828
(312) 701-8623

Attorneys for Opposer

VERIFICATION

I, Christopher Mackey, hereby declare, under penalty of perjury, that I have read the foregoing responses, and that I believe, on information and belief, including information known by me and information supplied by others, that the responses are true and correct.

September 19, 2018

By:



Christopher Mackey
Assistant General Counsel and Global IP
Director of Maker's Mark Distillery, Inc.

CERTIFICATE OF SERVICE

I hereby certify that, on the 19th day of September, of 2018, the foregoing Opposer's Objections and Responses to Applicant's First Set of Interrogatories was sent via e-mail to counsel for Applicant at the following addresses:

THEODORE A BREINER
BREINER & BREINER LLC
115 NORTH HENRY STREET
ALEXANDRIA, VA 22314-2903
UNITED STATES
Dtbreiner@bbpatlaw.com

Respectfully submitted,

By: /s/ Richard M. Assmus
Michael D. Adams
Richard M. Assmus
Daniel P. Virtue
MAYER BROWN LLP
P.O. Box 2828
Chicago, IL 60690-2828
(312) 701-8623

Attorneys for Opposer

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

MAKER'S MARK DISTILLERY, INC.,)	
)	
Opposer,)	
)	
v.	)	Opposition No.: 91239589
)	
BOWMAKER'S WHISKEY COMPANY)	
	)	Serial No. 87/383,989
Applicant.	)	Mark: BOWMAKER'S WHISKEY

**OPPOSER'S FIRST SUPPLEMENTAL RESPONSE TO
APPLICANT'S FIRST SET OF INTERROGATORIES (NO. 6)**

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure and Rules 405 and 408 of the Trademark Trial and Appeal Board Manual of Procedure ("TBMP"), Opposer Maker's Mark Distillery, Inc., by and through its attorneys, hereby supplements its Objections and Responses to Applicant Bowmaker's Whiskey Company's First Set of Interrogatories (No. 6) as follows.

Opposer incorporates by reference the Preliminary Statement, the General Objections, and the Specific Objections and Responses made in its initial Objections and Responses to Applicant's First Set of Interrogatories dated September 19, 2018.

Interrogatory No. 6:

State the date and circumstances under which opposer first acquired information relative to applicant's intended use of the mark BOWMAKER'S WHISKEY.

Response to Interrogatory No. 6:

Maker's incorporates by reference the Preliminary Statement and General Objections set forth above. Maker's objects to this Interrogatory to the extent it seeks information that is

irrelevant to the present opposition proceeding. Maker's further objects to this Interrogatory to the extent it seeks documents and information covered by the attorney-client privilege, work product privilege, common interest doctrine, any other applicable privilege or immunity, or which are otherwise immune from discovery pursuant to any applicable law or rule. Unless or until Applicant revises this Interrogatory, or serves a properly tailored request in its place, Maker's cannot and will not respond to this Interrogatory.

First Supplemental Response to Interrogatory No. 6

Opposer incorporates and maintains the General and Specific Objections referenced above as if set forth herein. Subject to and without waiving the General and Specific Objections referenced above, Opposer updates its response to Interrogatory No. 6 as follows: Opposer first became aware of Applicant's intent to use the mark BOWMAKER'S WHISKEY on or before September 1, 2017.

July 24, 2020

Respectfully submitted,

By: /s/ Richard M. Assmus

Michael D. Adams
Richard M. Assmus
Daniel P. Virtue
MAYER BROWN LLP
P.O. Box 2828
Chicago, IL 60690-2828
(312) 701-8623

Attorneys for Opposer

CERTIFICATE OF SERVICE

I hereby certify that, on the 24th day of July, of 2020, the foregoing Opposer's First Supplemental Response to Applicant's First Set of Interrogatories (No. 6) was sent via e-mail to counsel for Applicant at the following address:

THEODORE A BREINER
BREINER & BREINER LLC
115 NORTH HENRY STREET
ALEXANDRIA, VA 22314-2903
UNITED STATES
tbreiner@bbpatlaw.com

Respectfully submitted,

By: /s/ Richard M. Assmus
Michael D. Adams
Richard M. Assmus
Daniel P. Virtue
MAYER BROWN LLP
P.O. Box 2828
Chicago, IL 60690-2828
(312) 701-8623

Attorneys for Opposer

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

MAKER'S MARK DISTILLERY, INC.,)	
)	
Opposer,)	
)	
v.	)	Opposition No.: 91239589
)	
BOWMAKER'S WHISKEY COMPANY)	
	)	Serial No. 87/383,989
Applicant.	)	Mark: BOWMAKER'S WHISKEY

**OPPOSER'S SECOND SUPPLEMENTAL RESPONSE TO
APPLICANT'S FIRST SET OF INTERROGATORIES (NOS. 8 AND 10)**

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure and Rules 405 and 408 of the Trademark Trial and Appeal Board Manual of Procedure ("TBMP"), Opposer Maker's Mark Distillery, Inc., by and through its attorneys, hereby supplements its Objections and Responses to Applicant Bowmaker's Whiskey Company's First Set of Interrogatories (Nos. 8 and 10) as follows.

Opposer incorporates by reference the Preliminary Statement, the General Objections, and the Specific Objections and Responses made in its initial Objections and Responses to Applicant's First Set of Interrogatories dated September 19, 2018 and First Supplemental Responses to Applicant's First Set of Interrogatories dated July 24, 2020.

Interrogatory No. 8:

(a) Have Opposer's Marks ever been involved in any other litigation, opposition or cancellation proceeding, or other proceeding concerning opposer's rights in and to Opposer's Marks?

(b) If yes, provide a brief statement of the nature of the proceeding; the parties involved; the case name and number of proceeding; and the resolution of the proceeding.

Response to Interrogatory No. 8:

Maker's incorporates by reference the Preliminary Statement and General Objections set forth above. Maker's objects to Applicant's definition of "Opposer" (which includes, without limitation, "predecessors, subsidiaries, divisions, officers, attorneys, and all other persons in privity with opposer") as unduly burdensome and overly broad. Maker's objects to this Interrogatory as vague and ambiguous concerning the relevant time period, and unduly burdensome and overly broad. Maker's also objects to this Interrogatory as being compound and as improperly having multiple discrete subparts, each of which would be considered a separate interrogatory. To the extent this Interrogatory seeks information that is publically available, Maker's objects to this Interrogatory as unduly burdensome for requesting information that is equally available to Applicant. Maker's further objects to this Interrogatory to the extent that it seeks information that Maker's is not permitted to disclose pursuant to confidentiality obligations or agreements with third parties. Unless or until Applicant revises this Interrogatory, or serves a properly tailored request in its place, Maker's cannot and will not respond to this Interrogatory.

First Supplemental Response to Interrogatory No. 8

Opposer incorporates and maintains the General and Specific Objections referenced above as if set forth herein. Subject to and without waiving the General and Specific Objections referenced above, Opposer updates its response to Interrogatory No. 8 as follows: Opposer will produce, or has produced, documents with respect to adversarial proceedings involving the Maker's Mark family of trademarks from which the information sought in this Interrogatory may

be ascertained pursuant to Fed. R. Civ. P. 33(d). Opposer identifies at least the following documents pursuant to Rule 33(d): MAKER'S0011637 – MAKER'S0011661

Interrogatory No. 10:

Please state why opposer did not oppose or otherwise object to the third party use of/or registration of the trademarks using the terms “Maker’s,” “Maker” or “Mark” as part of the mark as referenced in the attached Exhibits 1-22, TESS copies of registrations for these trademarks.

Response to Interrogatory No. 10:

Maker’s incorporates by reference the Preliminary Statement and General Objections set forth above. Maker’s objects to this Interrogatory to the extent it seeks documents and information covered by the attorney-client privilege, work product privilege, common interest doctrine, any other applicable privilege or immunity, or which are otherwise immune from discovery pursuant to any applicable law or rule. Maker’s objects to this Interrogatory to the extent it calls for attorney argument. Maker’s also objects to this Interrogatory as being compound and as improperly having multiple discrete subparts, each of which would be considered a separate interrogatory. Unless or until Applicant revises this Interrogatory, or serves a properly tailored request in its place, Maker’s cannot and will not respond to this Interrogatory.

First Supplemental Response to Interrogatory No. 10

Opposer incorporates and maintains the General and Specific Objections referenced above as if set forth herein, in particular with respect to the compound nature of the Interrogatory and the fact that it seeks documents and information that are privileged. Opposer further objects on the grounds that this Interrogatory seeks information that is irrelevant to whether the Contested Mark is likely to be confused with one or more of Opposer’s Marks. Subject to and

Opposition No.: 91239589

without waiving the General and Specific Objections referenced above, Opposer updates its response to Interrogatory No. 10 as follows: Opposer did not file notices of opposition with respect to the trademark applications and registrations referenced in Exhibits 1-22 to Applicant's First Set of Interrogatories. Any further information sought by this Interrogatory would be privileged.

July 31, 2020

Respectfully submitted,

By: /s/ Richard M. Assmus

Michael D. Adams
Richard M. Assmus
Daniel P. Virtue
MAYER BROWN LLP
P.O. Box 2828
Chicago, IL 60690-2828
(312) 701-8623


Attorneys for Opposer

VERIFICATION

I, Christopher C. Mackey, hereby declare, under penalty of perjury, that I have read the foregoing responses, and that I believe, on information and belief, including information known by me and information supplied by others, that the responses are true and correct.

July 30, 2020

By



Christopher C. Mackey
Associate General Counsel and Global IP
Director of Maker's Mark Distillery, Inc.

CERTIFICATE OF SERVICE

I hereby certify that, on the 31st day of July, of 2020, the foregoing Opposer's First Supplemental Response to Applicant's First Set of Interrogatories (Nos. 8 and 10) was sent via e-mail to counsel for Applicant at the following address:

THEODORE A BREINER
BREINER & BREINER LLC
115 NORTH HENRY STREET
ALEXANDRIA, VA 22314-2903
UNITED STATES
tbreiner@bbpatlaw.com

Respectfully submitted,

By: /s/ Daniel P. Virtue
Michael D. Adams
Richard M. Assmus
Daniel P. Virtue
MAYER BROWN LLP
P.O. Box 2828
Chicago, IL 60690-2828
(312) 701-8623

Attorneys for Opposer

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

MAKER'S MARK DISTILLERY, INC.,)	
)	
Opposer,)	
)	
v.	)	Opposition No. 91239589
)	
)	
	)	Serial No. 87/383,989
BOWMAKER'S WHISKEY COMPANY,	)	Mark: BOWMAKER'S WHISKEY
)	
Applicant.)	

- - - - -

APPLICANT'S REVISED FIRST REQUEST FOR ADMISSIONS TO OPPOSER

Applicant hereby submits to opposer the following revised request for admissions to be responded to pursuant to Rule 36 of the Federal Rules of Civil Procedure, 37 C.F.R. § 2.120 and TBMP § 407 (June 2018). More specifically, applicant served its first request for admissions Nos. 1-89 on July 30, 2018 and inadvertently included more than 75 requests. Based on opposer's objection, applicant has conferred with opposer pursuant to TBMP § 407.05(e) by letter dated June 25, 2020. The parties are still considering this issue and the time for serving discovery expires on July 2, 2020 requiring service at this time. If opposer does not agree to respond to this revised request, applicant intends to move to compel such discovery.

Definitions, where applicable, are set forth in applicant's first set of interrogatories to opposer.

1. Withdrawn.

2. Please admit that opposer did not oppose registration of the trademark MAKER'S TABLE in Registration No. 3,114,487, a TESS copy attached hereto as Exhibit 1.

3. Please admit that opposer did not object to the use of the trademark MAKER'S TABLE in Registration No. 3,114,487, a TESS copy attached hereto as Exhibit 1.

4. Please admit that there is no likelihood of confusion between Opposer's Marks as pleaded in this opposition and Registration No. 3,114,487 for MAKER'S TABLE, a TESS copy attached hereto as Exhibit 1.

5. Please admit that there is a likelihood of confusion between Opposer's Marks as pleaded in this opposition and Registration No. 3,114,487 for MAKER'S TABLE, a TESS copy attached hereto as Exhibit 1.

6. Please admit that opposer did not oppose registration of the trademark THE MAKER in Registration No. 4,403,990, a TESS copy attached hereto as Exhibit 2.

7. Please admit that opposer did not object to the use of the trademark THE MAKER in Registration No. 4,403,990, a TESS copy attached hereto as Exhibit 2.

8. Please admit that there is no likelihood of confusion between Opposer's Marks as pleaded in this opposition and Registration No. 4,403,990 for THE MAKER, a TESS copy attached hereto as Exhibit 2.

9. Please admit that there is a likelihood of confusion between Opposer's Marks as pleaded in this opposition and Registration No. 4,403,990 for THE MAKER, a TESS copy attached hereto as Exhibit 2.

10. Please admit that opposer did not oppose registration of the trademark BARREL MAKER in Registration No. 4,790,239, a TESS copy attached hereto as Exhibit 3.

11. Please admit that opposer did not object to the use of the trademark BARREL MAKER in Registration No. 4,790,239, a TESS copy attached hereto as Exhibit 3.

12. Please admit that there is no likelihood of confusion between Opposer's Marks as pleaded in this opposition and Registration No. 4,790,239 for BARREL MAKER, a TESS copy attached hereto as Exhibit 3.

13. Please admit that there is a likelihood of confusion between Opposer's Marks as pleaded in this opposition and Registration No. 4,790,239 for BARREL MAKER, a TESS copy attached hereto as Exhibit 3.

14. Please admit that opposer did not oppose registration of the trademark MAP MAKER in Registration No. 3,653,684, a TESS copy attached hereto as Exhibit 4.

15. Please admit that opposer did not object to the use of the trademark MAP MAKER in Registration No. 3,653,684, a TESS copy attached hereto as Exhibit 4.

16. Please admit that there is no likelihood of confusion between Opposer's Marks as pleaded in this opposition and Registration No. 3,653,684 for MAP MAKER, a TESS copy attached hereto as Exhibit 4.

17. Please admit that there is a likelihood of confusion between Opposer's Marks as pleaded in this opposition and Registration No. 3,653,684 for MAP MAKER, a TESS copy attached hereto as Exhibit 4.

18. Please admit that opposer did not oppose registration of the trademark MAGIC MAKER in Registration No. 4,460,225, a TESS copy attached hereto as Exhibit 5.

19. Please admit that opposer did not object to the use of the trademark MAGIC MAKER in Registration No. 4,460,225, a TESS copy attached hereto as Exhibit 5.

20. Please admit that there is no likelihood of confusion between Opposer's Marks as pleaded in this opposition and Registration No. 4,460,225 for MAGIC MAKER, a TESS copy attached hereto as Exhibit 5.

21. Please admit that there is a likelihood of confusion between Opposer's Marks as pleaded in this opposition and Registration No. 4,460,225 for MAGIC MAKER, a TESS copy attached hereto as Exhibit 5.

22. Please admit that opposer did not oppose registration of the trademark SIN MAKER in Registration No. 4,049,639, a TESS copy attached hereto as Exhibit 6.

23. Please admit that opposer did not object to the use of the trademark SIN MAKER in Registration No. 4,049,639, a TESS copy attached hereto as Exhibit 6.

24. Please admit that there is no likelihood of confusion between Opposer's Marks as pleaded in this opposition and Registration No. 4,049,639 for SIN MAKER, a TESS copy attached hereto as Exhibit 6.

25. Please admit that there is a likelihood of confusion between Opposer's Marks as pleaded in this opposition and Registration No. 4,049,639 for SIN MAKER, a TESS copy attached hereto as Exhibit 6.

26. Withdrawn.

27. Withdrawn.

28. Withdrawn.

29. Withdrawn.

Opposition No. 91239589

30. Please admit that opposer did not oppose registration of the trademark S STRIKE MAKER in Registration No. 5,308,828, a TESS copy attached hereto as Exhibit 8.

31. Please admit that opposer did not object to the use of the trademark S STRIKE MAKER in Registration No. 5,308,828, a TESS copy attached hereto as Exhibit 8.

32. Please admit that there is no likelihood of confusion between Opposer's Marks as pleaded in this opposition and Registration No. 5,308,828 for S STRIKE MAKER, a TESS copy attached hereto as Exhibit 8.

33. Please admit that there is a likelihood of confusion between Opposer's Marks as pleaded in this opposition and Registration No. 5,308,828 for S STRIKE MAKER, a TESS copy attached hereto as Exhibit 8.

34. Please admit that opposer did not oppose registration of the trademark THE PARTY MAKER in Registration No. 3,651,463, a TESS copy attached hereto as Exhibit 9.

35. Please admit that opposer did not object to the use of the trademark THE PARTY MAKER in Registration No. 3,651,463, a TESS copy attached hereto as Exhibit 9.

36. Please admit that there is no likelihood of confusion between Opposer's Marks as pleaded in this opposition and Registration No. 3,651,463 for THE PARTY MAKER, a TESS copy attached hereto as Exhibit 9.

Opposition No. 91239589

37. Withdrawn.

38. Please admit that opposer did not oppose registration of the trademark MEMBER'S MARK in Registration No. 3,941,793, a TESS copy attached hereto as Exhibit 10.

39. Please admit that opposer did not object to the use of the trademark MEMBER'S MARK in Registration No. 3,941,793, a TESS copy attached hereto as Exhibit 10.

40. Please admit that there is no likelihood of confusion between Opposer's Marks as pleaded in this opposition and Registration No. 3,941,793 for MEMBER'S MARK, a TESS copy attached hereto as Exhibit 10.

41. Please admit that there is a likelihood of confusion between Opposer's Marks as pleaded in this opposition and Registration No. 3,941,793 for MEMBER'S MARK, a TESS copy attached hereto as Exhibit 10.

42. Please admit that opposer did not oppose registration of the trademark MEMBER'S MARK in Registration No. 5,396,943, a TESS copy attached hereto as Exhibit 11.

43. Please admit that opposer did not object to the use of the trademark MEMBER'S MARK in Registration No. 5,396,943, a TESS copy attached hereto as Exhibit 11.

44. Please admit that there is no likelihood of confusion between Opposer's Marks as pleaded in this

Opposition No. 91239589

opposition and Registration No. 5,396,943 for MEMBER'S MARK, a TESS copy attached hereto as Exhibit 11.

45. Please admit that there is a likelihood of confusion between Opposer's Marks as pleaded in this opposition and Registration No. 5,396,943 for MEMBER'S MARK, a TESS copy attached hereto as Exhibit 11.

46. Please admit that opposer did not oppose registration of the trademark COOPER'S MARK in Registration No. 4,115,536, a TESS copy attached hereto as Exhibit 12.

47. Please admit that opposer did not object to the use of the trademark COOPER'S MARK in Registration No. 4,115,536, a TESS copy attached hereto as Exhibit 12.

48. Please admit that there is no likelihood of confusion between Opposer's Marks as pleaded in this opposition and Registration No. 4,115,536 for COOPER'S MARK, a TESS copy attached hereto as Exhibit 12.

49. Withdrawn.

50. Please admit that opposer did not oppose registration of the trademark OLD MARK in Registration No. 4,739,555, a TESS copy attached hereto as Exhibit 13.

51. Please admit that opposer did not object to the use of the trademark OLD MARK in Registration No. 4,739,555, a TESS copy attached hereto as Exhibit 13.

52. Please admit that there is no likelihood of confusion between Opposer's Marks as pleaded in this opposition and Registration No. 4,739,555 for OLD MARK, a TESS copy attached hereto as Exhibit 13.

53. Withdrawn.

54. Withdrawn.

55. Withdrawn.

56. Withdrawn.

57. Withdrawn.

58. Please admit that opposer did not oppose registration of the trademark GREEN MARK in Registration No. 3,744,765, a TESS copy attached hereto as Exhibit 15.

59. Please admit that opposer did not object to the use of the trademark GREEN MARK in Registration No. 3,744,765, a TESS copy attached hereto as Exhibit 15.

60. Please admit that there is no likelihood of confusion between Opposer's Marks as pleaded in this opposition and Registration No. 3,744,765 for GREEN MARK, a TESS copy attached hereto as Exhibit 15.

61. Withdrawn.

62. Please admit that opposer did not oppose registration of the trademark SILVER MARK in Registration No. 4,429,720, a TESS copy attached hereto as Exhibit 16.

Opposition No. 91239589

63. Please admit that opposer did not object to the use of the trademark SILVER MARK in Registration No. 4,429,720, a TESS copy attached hereto as Exhibit 16.

64. Please admit that there is no likelihood of confusion between Opposer's Marks as pleaded in this opposition and Registration No. 4,429,720 for SILVER MARK, a TESS copy attached hereto as Exhibit 16.

65. Withdrawn.

66. Please admit that opposer did not oppose registration of the trademark SHEPHERDS MARK in Registration No. 4,083,804, a TESS copy attached hereto as Exhibit 17.

67. Please admit that opposer did not object to the use of the trademark SHEPHERDS MARK in Registration No. 4,083,804, a TESS copy attached hereto as Exhibit 17.

68. Please admit that there is no likelihood of confusion between Opposer's Marks as pleaded in this opposition and Registration No. 4,083,804 for SHEPHERDS MARK, a TESS copy attached hereto as Exhibit 17.

69. Withdrawn.

70. Please admit that opposer did not oppose registration of the trademark VINTNER'S MARK in Registration No. 4,238,105, a TESS copy attached hereto as Exhibit 18.

71. Please admit that opposer did not object to the use of the trademark VINTNER'S MARK in Registration No.

Opposition No. 91239589

4,238,105, a TESS copy attached hereto as Exhibit 18.

72. Please admit that there is no likelihood of confusion between Opposer's Marks as pleaded in this opposition and Registration No. 4,238,105 for VINTNER'S MARK, a TESS copy attached hereto as Exhibit 18.

73. Withdrawn.

74. Please admit that opposer did not oppose registration of the trademark BEAUTY MARK in Registration No. 5,222,540, a TESS copy attached hereto as Exhibit 19.

75. Please admit that opposer did not object to the use of the trademark BEAUTY MARK in Registration No. 5,222,540, a TESS copy attached hereto as Exhibit 19.

76. Please admit that there is no likelihood of confusion between Opposer's Marks as pleaded in this opposition and Registration No. 5,222,540 for BEAUTY MARK, a TESS copy attached hereto as Exhibit 19.

77. Withdrawn.

78. Please admit that opposer did not oppose registration of the trademark ROYAL MARK in Registration No. 1,285,527, a TESS copy attached hereto as Exhibit 20.

79. Please admit that opposer did not object to the use of the trademark ROYAL MARK in Registration No. 1,285,527, a TESS copy attached hereto as Exhibit 20.

80. Please admit that there is no likelihood of

Opposition No. 91239589

confusion between Opposer's Marks as pleaded in this opposition and Registration No. 1,285,527 for ROYAL MARK, a TESS copy attached hereto as Exhibit 20.

81. Please admit that there is a likelihood of confusion between Opposer's Marks as pleaded in this opposition and Registration No. 1,285,527 for ROYAL MARK, a TESS copy attached hereto as Exhibit 20.

82. Please admit that opposer did not oppose registration of the trademark KING'S MARK in Registration No. 0,842,977, a TESS copy attached hereto as Exhibit 21.

83. Please admit that opposer did not object to the use of the trademark KING'S MARK in Registration No. 0,842,977, a TESS copy attached hereto as Exhibit 21.

84. Please admit that there is no likelihood of confusion between Opposer's Marks as pleaded in this opposition and Registration No. 0,842,977 for KING'S MARK, a TESS copy attached hereto as Exhibit 21.

85. Withdrawn.

86. Please admit that opposer did not oppose registration of the trademark FANCY MARK in Registration No. 0,600,119, a TESS copy attached hereto as Exhibit 22.

87. Please admit that opposer did not object to the use of the trademark FANCY MARK in Registration No. 0,600,119, a TESS copy attached hereto as Exhibit 22.

Opposition No. 91239589

88. Please admit that there is no likelihood of confusion between Opposer's Marks as pleaded in this opposition and Registration No. 0,600,119 for FANCY MARK, a TESS copy attached hereto as Exhibit 22.

89. Withdrawn.

Respectfully submitted,

BOWMAKER'S WHISKEY COMPANY

By: /s/Theodore A. Breiner
Theodore A. Breiner
Registration No. 32,103
BREINER & BREINER, L.L.C.
115 North Henry Street
Alexandria, Virginia 22314-2903
Telephone (703) 684-6885
Facsimile (703) 684-8206
tbreiner@bbpatlaw.com

July 1, 2020

Attorneys for Applicant

CERTIFICATE OF SERVICE

It is hereby certified that on this 1st day of July,
2020, a true copy of the foregoing paper entitled-

APPLICANT'S REVISED FIRST REQUEST FOR ADMISSIONS TO OPPOSER

was served by email on -

Michael D. Adams
MAYER BROWN LLP
P.O. BOX 2828
Chicago, Illinois 60690-2828
michaeladams@mayerbrown.com
rassmus@mayerbrown.com
gbarcelona@mayerbrown.com

/s/Theodore A. Breiner
THEODORE A. BREINER



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MAKER'S TABLE

Word Mark	MAKER'S TABLE
Goods and Services	(CANCELLED) IC 033. US 047 049. G & S: Alcoholic beverages, namely, wines
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	79013073
Filing Date	May 6, 2005
Current Basis	66A
Original Filing Basis	66A
Published for Opposition	April 18, 2006
Registration Number	3114487
International Registration Number	0856049
Registration Date	July 11, 2006
Owner	(REGISTRANT) Beringer Blass Wine Estates Limited CORPORATION AUSTRALIA Level 2 77 Southbank Boulevard SOUTHBANK, VIC 3006 AUSTRALIA (LAST LISTED OWNER) Treasury Wine Estates Vintners Limited Incorporated Company 58 Queensbridge Street Southbank, Victoria 3006 AUSTRALIA
Attorney of Record	Gary D. Krugman
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	DEAD
Cancellation Date	May 6, 2015

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THE MAKER

Word Mark	THE MAKER
Goods and Services	IC 033. US 047 049. G & S: Wines. FIRST USE: 20110803. FIRST USE IN COMMERCE: 20130417
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85503034
Filing Date	December 23, 2011
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	May 22, 2012
Registration Number	4403990
Registration Date	September 17, 2013
Owner	(REGISTRANT) Wellington Harbour Holdings Limited COMPANY NEW ZEALAND 6th Floor, Huddart Parker Building 1 Post Office Square Wellington 6011 NEW ZEALAND (LAST LISTED OWNER) THREE H LIMITED CORPORATION NEW ZEALAND 49 LUCERNE ROAD REMUERA, AUCKLAND NEW ZEALAND 1050 (LAST LISTED OWNER) CRAWFORD, KIM INDIVIDUAL NEW ZEALAND 155 VICTORIA AVENUE REMUERA, AUCKLAND NEW ZEALAND 1050 (LAST LISTED OWNER) CRAWFORD, FREDERIKA ELFRIEDE INDIVIDUAL NEW ZEALAND 155 VICTORIA AVENUE REMUERA, AUCKLAND NEW ZEALAND 1050
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of	William D. O'Neill

Record**Type of Mark** TRADEMARK**Register** PRINCIPAL**Live/Dead
Indicator** LIVE[TESS HOME](#)[NEW USER](#)[STRUCTURED](#)[FREE FORM](#)[BROWSE DICT](#)[SEARCH OG](#)[TOP](#)[HELP](#)[HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)



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Barrel Maker

Word Mark BARREL MAKER

Goods and Services IC 033. US 047 049. G & S: Wine. FIRST USE: 20110901. FIRST USE IN COMMERCE: 20110901

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 86489398

Filing Date December 23, 2014

Current Basis 1A

Original Filing Basis 1A

Published for Opposition May 26, 2015

Registration Number 4790239

Registration Date August 11, 2015

Owner (REGISTRANT) Cooper Wine Company, LLC LIMITED LIABILITY COMPANY WASHINGTON 35306 N. Sunset Road Benton City WASHINGTON 99320

Attorney of Record Thomas J. Schlegel

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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MAP MAKER

Word Mark	MAP MAKER
Goods and Services	IC 033. US 047 049. G & S: Wine
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77554123
Filing Date	August 22, 2008
Current Basis	44E
Original Filing Basis	1B;44D
Published for Opposition	April 28, 2009
Registration Number	3653684
Registration Date	July 14, 2009
Owner	(REGISTRANT) MAASDAM, RUUD ARIE INDIVIDUAL NEW ZEALAND 1734 Waihopai Valley, RD 6 Blenheim NEW ZEALAND 7276
Attorney of Record	Roxana A. Sullivan
Priority Date	July 28, 2008
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR).
Live/Dead Indicator	LIVE

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MAGIC MAKER

Word Mark MAGIC MAKER

Goods and Services IC 033. US 047 049. G & S: Wine. FIRST USE: 20130905. FIRST USE IN COMMERCE: 20130905

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 85876464

Filing Date March 14, 2013

Current Basis 1A

Original Filing Basis 1A

Published for Opposition July 30, 2013

Registration Number 4460225

Registration Date December 31, 2013

Owner (REGISTRANT) Constellation Brands U.S. Operations, Inc. CORPORATION NEW YORK 235 North Bloomfield Road Canandaigua NEW YORK 14424

Attorney of Record Stephen L. Baker

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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Word Mark	SIN MAKER
Goods and Services	IC 033. US 047 049. G & S: Alcoholic energy drinks. FIRST USE: 20090501. FIRST USE IN COMMERCE: 20090501
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77669525
Filing Date	February 12, 2009
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	June 9, 2009
Registration Number	4049639
Registration Date	November 1, 2011
Owner	(REGISTRANT) Sinmaker, LLC LIMITED LIABILITY COMPANY LOUISIANA 2712 Tradition Avenue Baton Rouge LOUISIANA 70810
Attorney of Record	Thomas McEachin
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 8 (6-YR).
Live/Dead Indicator	LIVE

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STRIKE MAKER

Word Mark S STRIKE MAKER

Goods and Services IC 025. US 022 039. G & S: Clothing, namely, pants, shirts, jackets, masquerade costumes, beachwear, belts, Bermuda shorts, blazers, blouses, blousons, boxer shorts, coats for men and women, cravats, dresses, golf caps, jogging suits, ladies' underwear, men and women jackets, coats, trousers, vests, men's suits, women's suits, polo shirts, shorts, skirts and dresses, socks and stockings, swim wear for gentlemen and ladies, t-shirts, footwear, headgear, namely, hats, caps

IC 028. US 022 023 038 050. G & S: Games and playthings, namely, card games, arcade games, and chess games, backgammon games, clockwork toys, coin-operated amusement machines, counters and marbles for games, dart games, dominoes, draught boards, electronic action toys, electronic games other than those adapted for use with television receivers only, electronic learning toys, hand-held games with liquid crystal displays, inflatable toys, jigsaw puzzles, lottery wheels, marionettes, model cars, musical toys, playing cards, puzzles, scale model vehicles, toy action figures, toy animals, toy balloons, gymnastic and sporting articles, namely, gymnastic apparatus and gymnastic horizontal bars and sport balls, archery bows, archery targets, arrows, backgammon games, balls for games, bats for games, boards used in the practice of water sports, body-training apparatus, bowling apparatus and machinery, bowling bags, bowling balls, bowling gloves, bowling pins, boxing gloves, covers for golf clubs, discs for sports, electronic targets for games and sports, fitted head covers for golf clubs, flippers for swimming, football or soccer goals, golf bags, golf balls, golf clubs, golf tees, hockey pucks, hockey sticks, in-line roller skates, jump ropes, kites, nets for sports, pétanque balls, play balls and play balloons, punching balls, rackets and strings for rackets, roller and ice skates, sails and sailboards for board sailing, skateboards, ski bindings, skis, snow shoes, snowboard bindings, softballs, surf boards, surf skis, swim fins, swimming boards, swimming flippers, table tennis bats, table tennis tables, tables for indoor football, tennis balls and shuttle-cocks, tennis nets and uprights, tennis racquets, waterskis

IC 032. US 045 046 048. G & S: Beers; mineral and aerated waters and non-alcoholic drinks, namely, softdrinks, flavored waters, frozen fruit-based beverages, fruit flavored drinks, isotonic beverages, lemonades, non-alcoholic beverages with tea flavour, non-alcoholic cocktails, still waters, vegetable juices, fruit drinks and fruit juices; syrups, concentrates and powders for making beverages

IC 033. US 047 049. G & S: Alcoholic beverages except beers

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design 26.01.17 - Circles, two concentric; Concentric circles, two; Two concentric circles

Search Code 26.01.21 - Circles that are totally or partially shaded.

Serial Number 79197972

Filing Date July 20, 2016

Current Basis 66A

Original Filing Basis 66A

Published for Opposition August 1, 2017

Registration Number 5308828

International Registration Number 0946418

Registration Date October 17, 2017

Owner (REGISTRANT) PIN MARKETING S.L. SOCIEDAD DE RESPONSABILIDAD LIMITADA SPAIN Avda. Felo Monzon, 18 Montana la Data Alta,
St. Bartolomede Tirajana Gran Canaria SPAIN E-35109

Attorney of Record Molly B. Markley

Description of Mark Color is not claimed as a feature of the mark. The mark consists of a stylized letter "S" in a circle above the stylized wording "STRIKE MAKER".

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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THE PARTY MAKER

Word Mark	THE PARTY MAKER
Goods and Services	(CANCELLED) IC 032. US 045 046 048. G & S: Beer, mineral and aerated waters; non-alcoholic drinks, namely, non-alcoholic energy drinks; fruit drinks and fruit juices
	(CANCELLED) IC 033. US 047 049. G & S: Alcoholic beverages, namely, alcoholic energy drinks
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Trademark Search Facility Classification Code	SHAPES-MISC Miscellaneous shaped designs
Serial Number	79061826
Filing Date	October 28, 2008
Current Basis	66A
Original Filing Basis	66A
Published for Opposition	April 21, 2009
Registration Number	3651463
International Registration Number	0984292
Registration Date	July 7, 2009
Owner	(REGISTRANT) CULT A/S LIMITED LIABILITY COMPANY DENMARK Sindalsvej 5A DK-8240 Risskov DENMARK
	(LAST LISTED OWNER) Bev.Con ApS private limited company DENMARK Lægårdsvej 24 DK-8520 Lystrup DENMARK
Priority Date	September 23, 2008
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead	DEAD

Indicator**Cancellation Date** February 12, 2016[TESS HOME](#)[NEW USER](#)[STRUCTURED](#)[FREE FORM](#)[BROWSE DICT](#)[SEARCH OG](#)[TOP](#)[HELP](#)

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MEMBER'S MARK

Word Mark	MEMBER'S MARK
Goods and Services	IC 033. US 047 049. G & S: Alcoholic beverages except beers. FIRST USE: 20091231. FIRST USE IN COMMERCE: 20091231
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77918180
Filing Date	January 22, 2010
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	June 1, 2010
Registration Number	3941793
Registration Date	April 5, 2011
Owner	(REGISTRANT) Wal-Mart Stores, Inc. CORPORATION DELAWARE 702 SW 8th Street Bentonville ARKANSAS 72716 (LAST LISTED OWNER) WALMART APOLLO, LLC LIMITED LIABILITY COMPANY DELAWARE 702 SW 8TH STREET MS 0215 BENTONVILLE ARKANSAS 72716
Assignment Recorded	ASSIGNMENT RECORDED
Prior Registrations	2579025;2579031;2579036;AND OTHERS
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR).
Live/Dead	LIVE

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MEMBER'S MARK

Word Mark	MEMBER'S MARK
Goods and Services	IC 033. US 047 049. G & S: alcoholic beverages, except beer; alcoholic cocktail mixes. FIRST USE: 20100114. FIRST USE IN COMMERCE: 20100114
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	86862210
Filing Date	December 30, 2015
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	May 24, 2016
Registration Number	5396943
Registration Date	February 6, 2018
Owner	(REGISTRANT) Wal-Mart Stores, Inc. CORPORATION DELAWARE 702 SW 8th Street Bentonville ARKANSAS 72716 (LAST LISTED OWNER) WALMART APOLLO, LLC LIMITED LIABILITY COMPANY DELAWARE 702 SW 8TH STREET MS 0215 BENTONVILLE ARKANSAS 72716
Assignment Recorded	ASSIGNMENT RECORDED
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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COOPER'S MARK

Word Mark COOPER'S MARK

Goods and Services IC 033. US 047 049. G & S: Distilled spirits. FIRST USE: 20111023. FIRST USE IN COMMERCE: 20111023

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 85009256

Filing Date April 8, 2010

Current Basis 1A

Original Filing Basis 1B

Published for Opposition December 28, 2010

Registration Number 4115536

Registration Date March 20, 2012

Owner (REGISTRANT) Fast Forward Brands, LLC LIMITED LIABILITY COMPANY DELAWARE 1399 East Quincey Ave. Englewood COLORADO 80113

Attorney of Record Stephen L. Baker

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "MARK" APART FROM THE MARK AS SHOWN

Type of Mark TRADEMARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR).

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OLD MARK

Word Mark	OLD MARK
Goods and Services	IC 033. US 047 049. G & S: Vodka. FIRST USE: 20140700. FIRST USE IN COMMERCE: 20141013
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85859240
Filing Date	February 25, 2013
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	July 16, 2013
Registration Number	4739555
Registration Date	May 19, 2015
Owner	(REGISTRANT) Obshchestvo s ogranichennoy otvetstvennostyu "RUSINVEST" obshchestvo s ogranichennoy otvetstvennostyu (ooo) RUSSIAN FED. Moskovskaya Oblast Novomytishchenskiy prospekt, 41, korp. 1 Mytishchi RUSSIAN FED. 141018
Attorney of Record	Alexander S. Lazouski
Prior Registrations	4177696
Type of Mark	TRADEMARK
Register	PRINCIPAL

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GREEN MARK

Word Mark	GREEN MARK
Goods and Services	IC 033. US 047 049. G & S: Vodka
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	78555695
Filing Date	January 28, 2005
Current Basis	44E
Original Filing Basis	1B
Published for Opposition	November 17, 2009
Registration Number	3744765
Registration Date	February 2, 2010
Owner	(REGISTRANT) Obschestvo s ogranichennoi otvetstvennostiu "Glavspirtrest" LIMITED LIABILITY COMPANY RUSSIAN FED. Oktyabrskaya street 46 Pushkino Moscow region RUSSIAN FED. 141201
Attorney of Record	David C. Purdue
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR).
Live/Dead Indicator	LIVE

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SILVER MARK

Word Mark	SILVER MARK
Goods and Services	IC 033. US 047 049. G & S: Alcoholic beverages except beers. FIRST USE: 20120801. FIRST USE IN COMMERCE: 20121101
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85687238
Filing Date	July 26, 2012
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	December 25, 2012
Registration Number	4429720
Registration Date	November 5, 2013
Owner	(REGISTRANT) Intercontinental Packaging Co. CORPORATION MINNESOTA 2300 Pilot Knob Road Mendota Heights MINNESOTA 55120
Attorney of Record	Paulette R. Carey
Prior Registrations	3955931
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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SHEPHERDS MARK

Word Mark SHEPHERDS MARK

Goods and Services IC 033. US 047 049. G & S: Wines. FIRST USE: 20041213. FIRST USE IN COMMERCE: 20050201

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 85338285

Filing Date June 5, 2011

Current Basis 1A

Original Filing Basis 1A

Published for Opposition October 25, 2011

Registration Number 4083804

Registration Date January 10, 2012

Owner (REGISTRANT) Alexandria Nicole Cellars, LLC LIMITED LIABILITY COMPANY WASHINGTON 2880 Lee Road, Suite D Prosser WASHINGTON 99350

Attorney of Record Jeffrey A. Hank, Esq.

Type of Mark TRADEMARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR).

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Word Mark	VINTNER'S MARK
Goods and Services	IC 033. US 047 049. G & S: Wines. FIRST USE: 20120904. FIRST USE IN COMMERCE: 20120904
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85009688
Filing Date	April 8, 2010
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	January 11, 2011
Registration Number	4238105
Registration Date	November 6, 2012
Owner	(REGISTRANT) Fast Forward Brands, LLC LIMITED LIABILITY COMPANY DELAWARE 1399 East Quincey Ave. Englewood COLORADO 80113
Attorney of Record	Stephen L. Baker
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR).
Live/Dead Indicator	LIVE

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BEAUTY MARK

Word Mark BEAUTY MARK
Goods and Services IC 033. US 047 049. G & S: Wines. FIRST USE: 20150401. FIRST USE IN COMMERCE: 20150401
Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 87226020
Filing Date November 4, 2016
Current Basis 1A
Original Filing Basis 1A
Published for Opposition March 28, 2017
Registration Number 5222540
Registration Date June 13, 2017
Owner (REGISTRANT) Guerrero Enterprises LLC LIMITED LIABILITY COMPANY CALIFORNIA P O Box 1675 Boyes Hot Springs CALIFORNIA 95416
Attorney of Record Heather A. Sapp
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Word Mark	ROYAL MARK
Goods and Services	(CANCELLED) IC 033. US 049. G & S: Blended Scotch Whisky. FIRST USE: 19830513. FIRST USE IN COMMERCE: 19830513
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	73428275
Filing Date	June 1, 1983
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	April 17, 1984
Registration Number	1285527
Registration Date	July 10, 1984
Owner	(REGISTRANT) Joseph R. Seagram & Sons, Inc. CORPORATION INDIANA 375 Park Ave. New York NEW YORK 10152
Attorney of Record	Cindy E. Nelson
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	DEAD
Cancellation Date	December 7, 1990

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Word Mark	KING'S MARK
Goods and Services	(EXPIRED) IC 033. US 049. G & S: SCOTCH WHISKY. FIRST USE: 19600712. FIRST USE IN COMMERCE: 19601020
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	05.05.03 - Fleur-de-lis
Serial Number	72259171
Filing Date	November 21, 1966
Current Basis	1A
Original Filing Basis	1A
Registration Number	0842977
Registration Date	January 23, 1968
Owner	(REGISTRANT) SAZERAC COMPANY, INC. DBA KINGS'S MARK COMPANY CORPORATION LOUISIANA P.O. BOX 52821 803 JEFFERSON HIGHWAY NEW ORLEANS LOUISIANA 70152
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Todd S. Bontemps
Disclaimer	THE WORD "MARK" IS DISCLAIMED APART FROM THE MARK AS SHOWN.
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15.

Renewal 1ST RENEWAL 19880123
Live/Dead Indicator DEAD

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Word Mark	FANCY MARK
Goods and Services	(EXPIRED) IC 033. US 049. G & S: GIN. FIRST USE: 19520410. FIRST USE IN COMMERCE: 19520410
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	71629483
Filing Date	May 10, 1952
Current Basis	1A
Original Filing Basis	1A
Registration Number	0600119
Registration Date	December 28, 1954
Owner	(REGISTRANT) FLEISCHMANN DISTILLING CORPORATION, THE CORPORATION DELAWARE 595 MADISON AVE. NEW YORK NEW YORK
Assignment Recorded	ASSIGNMENT RECORDED
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15.
Renewal	1ST RENEWAL 19741228
Live/Dead Indicator	DEAD

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

MAKER’S MARK DISTILLERY, INC.,)	
)	
Opposer,)	
	)	Opposition No.: 91239589
v.)	
)	
BOWMAKER’S WHISKEY COMPANY,	)	Serial No. 87/383,989
	)	Mark: BOWMAKER’S WHISKEY
Applicant.)	
)	

**OPPOSER’S OBJECTIONS AND RESPONSES TO APPLICANT’S REVISED FIRST
SET OF REQUESTS FOR ADMISSIONS**

Pursuant to Rules 26 and 36 of the Federal Rules of Civil Procedure and Rules 407 and 408 of the Trademark Trial and Appeal Board Manual of Procedure (“TBMP”), Opposer Maker’s Mark Distillery, Inc. (“Opposer” or “Maker’s”), by its attorneys, hereby objects and responds to Applicant’s Revised First Set of Requests for Admissions (the “Requests”), propounded by Bowmaker’s Whiskey Company (“Applicant” or “Bowmaker’s”), as follows.

PRELIMINARY STATEMENT

1. Maker’s is willing to meet and confer with Applicant at a mutually agreeable time to discuss the Requests and Maker’s objections and responses thereto and to resolve any disputes or disagreements in connection therewith.

2. Inadvertent production of any document or information protected from disclosure by the attorney-client privilege, the joint defense privilege, the work-product doctrine or any other applicable privilege or protection is not intended to be a waiver of such privileges or protections in whole or in part.

3. The objections and responses herein are made solely for the purpose of this action. Maker's objections and responses are not intended to waive or prejudice any objections that Maker's may assert now or in the future, including objections to the relevance and materiality of the subject matter of any discovery request, the admissibility of any response or document or category of responses or documents, and all other objections on any ground that would require the exclusion of any statements contained herein if the same were asked of, or statements contained herein were made by, a witness present and testifying in this proceeding. Maker's expressly reserves any and all rights and privileges under the Federal Rules of Civil Procedure, the Federal Rules of Evidence, the rules of the United States Trademark Trial and Appeal Board, and any other applicable rule or law. The failure to assert such rights and privileges, or the inadvertent disclosure by Maker's of information protected by such rights or privileges, shall not constitute a waiver thereof, either with respect to these responses, the subject matter thereof, or with respect to any future discovery responses or objections.

4. No incidental or implied admissions are intended by the responses herein. The fact that Maker's has answered or objected to any request should not be taken as an admission that Maker's accepts or admits the existence of any "fact" set forth or assumed by such request. That Maker's has answered all or part of any request is not intended to be, and shall not be construed to be, a waiver by Maker's of any objection to any request, or any portion of any request.

5. To the extent that Applicant can identify authority that contradicts any objection Maker's makes below, Maker's is willing to reconsider that objection in light of that authority.

6. Maker's responses are based upon information presently available to and located by Maker's. Maker's has not completed investigation of the facts relating to this case, discovery in this action, or its preparation for trial. The responses are given without prejudice to Maker's right to produce evidence of any additional facts. As such, these responses are subject to supplementation and amendment as discovery in this case progresses, should future investigation or discovery indicate that supplementation or amendment is necessary. Maker's reserves the right to make any use of, or introduce at any hearing or trial, information or documents that are responsive to these requests, but discovered subsequent to Maker's service of these responses, including, but not limited to, any information or documents obtained in discovery herein.

7. Maker's submits each objection and response to each individual discovery request without prejudice to, and without in any way waiving, the general objections listed below but not expressly set forth in that response. The assertion of any objection to a discovery request in any response below does not waive Opposer's right to assert that or any other objection on a later date.

8. No incidental or implied admissions are intended by Opposer's collective objections and responses to Applicant's discovery requests in this proceeding. The fact that Opposer objects or responds to all or part of any discovery request shall not be construed or taken as an admission that Opposer accepts or admits the existence of any purported facts set forth or assumed by such discovery request, or that Opposer has waived or intended to waive any part of any objection to the discovery request.

GENERAL OBJECTIONS

In addition to the specific objections set forth in Maker's response to each Request, the following objections apply to all of Applicant's Definitions and Requests ("General Objections"), which are hereby incorporated by reference into the individual responses to the Requests, and shall have the same force and effect as if fully set forth in the responses to the Requests. Maker's objects as follows:

1. Maker's objects to each Request to the extent that it purports to impose upon Maker's discovery obligations that exceed those provided for in the Federal Rules of Civil Procedure, the rules of the United States Trademark Trial and Appeal Board, and any other applicable rule or law. Maker's responses to such Requests shall not be construed as an admission, agreement, or acquiescence in any such Request. Maker's hereby incorporates all objections, including the General Objections, set forth in its Opposer's Objections and Responses to Applicant's First Set of Interrogatories.

3. Maker's objects to the Requests as having no specified relevant time period. Applicant attempts to impose production obligations that are excessive, overly broad, and unduly burdensome, particularly given that the trademark application that is the subject of this opposition was not filed until March 24, 2017.

4. Maker's objects to any Request to the extent that it is vague, ambiguous, confusing, overly broad and unduly burdensome. For example, Maker's objects to the extent the Requests employ undefined terms whose definitions are required in order to accurately respond to the Requests.

5. Maker's objects to any Request to the extent that it seeks information that is not relevant to the subject matter of this proceeding, such as Maker's actions with respect to third party trademarks that are not at issue in this proceeding (the "Relevance Objection"). Maker's objections and responses are not intended and should not be construed as an acknowledgement of relevance.

6. Maker's objects to any Request to the extent that it seeks information that is protected by the attorney-client, work product, investigative information, common interest, and/or consulting expert's privilege or which is otherwise immune from discovery pursuant to any applicable law or rule (the "Privilege Objection"). Nothing contained in these responses is intended as, or shall in any way be deemed, a waiver of any attorney-client, work product, investigative information, common interest, and/or consulting expert's privilege or any other applicable privileges, immunities, or exceptions, and to the extent that any Request may be construed as calling for disclosure of information, documents, and/or things protected by such privileges or doctrines, a continuing objection to each and every such Request is hereby asserted.

7. Maker's objects to any Request as overly broad and unduly burdensome to the extent that it seeks information already available to Applicant, available from public agency records, or otherwise in the public domain and accessible to both parties, or where the burden of obtaining, deriving, or ascertaining the responsive documents is substantially the same for Applicant as it is for Maker's.

8. Maker's objects to any Request to the extent that it seeks information that Maker's is not permitted to disclose pursuant to confidentiality obligations or agreements with third parties in the absence of a protective order entered in this case.

9. Maker's objects to any Request to the extent it seeks confidential and proprietary information, including trade secrets and competitively sensitive business information, where any purported marginal benefits of production of the requested information are outweighed by the burden associated with producing such highly sensitive materials.

10. Maker's objects to any Request as improper to the extent multiple subparts, whether specifically enumerated or otherwise, are asserted as a single Request.

11. Maker's objects to any Request to the extent that it seeks information that is not known or reasonably available to Maker's, or that is not within Maker's possession, custody, or control, or calls for Maker's to prepare documents and/or things that do not already exist. In responding to each Request, Maker's understands the Request as seeking only information that is in Maker's possession, custody, or control.

12. Maker's objects to these Requests to the extent that they seek to impose an obligation to identify or search for information or documents at any location, or from any source other than where they would reasonably be expected to be stored in the ordinary course of business.

13. Maker's discovery and investigation in connection with this case are ongoing. As a result, Maker's responses concern information obtained and reviewed to date, and the objections, limitations, and responses contained in this Response are subject to and without waiver of any right of Maker's to: (a) object to other discovery requests directed to the subject matter of the Requests and this Response; (b) make additional or supplementary objections to the Requests; and (c) revise, correct, supplement, or clarify the contents of this Response, after considering information obtained or reviewed through further discovery and investigation.

14. No objection, limitation, or response, or lack thereof, made herein shall be deemed an admission by Maker's as to the existence or non-existence of any information or documents, and shall not be construed in any way as an admission that any definition provided by Applicant is either factually correct or legally binding upon Maker's, or as a waiver of any of Maker's objections, including but not limited to objections regarding discoverability of documents or other evidence. Maker's enumeration of specific objections in response to each Request is not, and should not be construed to be, a waiver of any objection not so specified.

15. By identifying or producing any information, documents or things in response to any Request, Maker's does not stipulate, and expressly reserves all objections, to the authenticity, relevance, materiality, and admissibility of any such documents or things.

16. If Maker's produces information in response to any Request, Maker's reserves the right to produce additional information or documents that may come to its attention or become available in the future or to use such information or documents in any hearing or proceeding in this or any other action.

17. Maker's objects to each Request to the extent it seeks "all" subject matter as overbroad and unduly burdensome. "All" shall be understood to mean the information that Maker's is able to locate using reasonable diligence and judgment concerning the whereabouts of responsive information and documents. Such phraseology should not be construed as a representation that each and every piece of information in the possession of Maker's has been examined in connection with these responses or any production pursuant thereto.

SPECIFIC RESPONSES AND OBJECTIONS

Request No. 1

Withdrawn.

Response to Request No. 1

No response necessary as this Request was withdrawn.

Request No. 2

Please admit that opposer did not oppose registration of the trademark MAKER'S TABLE in Registration No. 3,114,487, a TESS copy attached hereto as Exhibit 1.

Response to Request No. 2

Admitted.

Request No. 3

Please admit that opposer did not object to the use of the trademark MAKER'S TABLE in Registration No. 3,114,487, a TESS copy attached hereto as Exhibit 1.

Response to Request No. 3

Opposer admits that, as of the date of service of these Responses, it has not objected to the use of the trademark attached to Applicant's Requests as Exhibit 1.

Request No. 4

Please admit that there is no likelihood of confusion between Opposer's Marks as pleaded in this opposition and Registration No. 3,114,487 for MAKER'S TABLE, a TESS copy attached hereto as Exhibit 1.

Response to Request No. 4

Opposer lacks known or readily obtainable information sufficient to admit or deny this Request and otherwise reasserts the Privilege Objection.

Request No. 5

Please admit that there is a likelihood of confusion between Opposer's Marks as pleaded in this opposition and Registration No. 3,114,487 for MAKER'S TABLE, a TESS copy attached hereto as Exhibit 1.

Response to Request No. 5

Opposer lacks known or readily obtainable information sufficient to admit or deny this Request and otherwise reasserts the Privilege Objection.

Request No. 6

Please admit that opposer did not oppose registration of the trademark THE MAKER in Registration No. 4,403,990, a TESS copy attached hereto as Exhibit 2.

Response to Request No. 6

Admitted.

Request No. 7

Please admit that opposer did not object to the use of the trademark THE MAKER in Registration No. 4,403,990, a TESS copy attached hereto as Exhibit 2.

Response to Request No. 7

Opposer admits that, as of the date of service of these Responses, it has not objected to the use of the trademark attached to Applicant's Requests as Exhibit 2.

Request No. 8

Please admit that there is no likelihood of confusion between Opposer's Marks as pleaded in this opposition and Registration No. 4,403,990 for THE MAKER, a TESS copy attached hereto as Exhibit 2.

Response to Request No. 8

Opposer lacks known or readily obtainable information sufficient to admit or deny this Request and otherwise reasserts the Privilege Objection.

Request No. 9

Please admit that there is a likelihood of confusion between Opposer's Marks as pleaded in this opposition and Registration No. 4,403,990 for THE MAKER, a TESS copy attached hereto as Exhibit 2.

Response to Request No. 9

Opposer lacks known or readily obtainable information sufficient to admit or deny this Request and otherwise reasserts the Privilege Objection.

Request No. 10

Please admit that opposer did not oppose registration of the trademark BARREL MAKER in Registration No. 4,790,239, a TESS copy attached hereto as Exhibit 3.

Response to Request No. 10

Admitted.

Request No. 11

Please admit that opposer did not object to the use of the trademark BARREL MAKER in Registration No. 4,790,239, a TESS copy attached hereto as Exhibit 3.

Response to Request No. 11

Opposer admits that, as of the date of service of these Responses, it has not objected to the use of the trademark attached to Applicant's Requests as Exhibit 3.

Request No. 12

Please admit that there is no likelihood of confusion between Opposer's Marks as pleaded in this opposition and Registration No. 4,790,239 for BARREL MAKER, a TESS copy attached hereto as Exhibit 3.

Response to Request No. 12

Opposer lacks known or readily obtainable information sufficient to admit or deny this Request and otherwise reasserts the Privilege Objection.

Request No. 13

Please admit that there is a likelihood of confusion between Opposer's Marks as pleaded in this opposition and Registration No. 4,790,239 for BARREL MAKER, a TESS copy attached hereto as Exhibit 3.

Response to Request No. 13

Opposer lacks known or readily obtainable information sufficient to admit or deny this Request and otherwise reasserts the Privilege Objection.

Request No. 14

Please admit that opposer did not oppose registration of the trademark BARREL MAKER in Registration No. 3,653,684, a TESS copy attached hereto as Exhibit 4.

Response to Request No. 14

Admitted.

Request No. 15

Please admit that opposer did not object to the use of the trademark MAP MAKER in Registration No. 3,653,684, a TESS copy attached hereto as Exhibit 4.

Response to Request No.15

Opposer admits that, as of the date of service of these Responses, it has not objected to the use of the trademark attached to Applicant's Requests as Exhibit 4.

Request No. 16

Please admit that there is no likelihood of confusion between Opposer's Marks as pleaded in this opposition and Registration No. 3,653,684 for MAP MAKER, a TESS copy attached hereto as Exhibit 4.

Response to Request No. 16

Opposer lacks known or readily obtainable information sufficient to admit or deny this Request and otherwise reasserts the Privilege Objection.

Request No. 17

Please admit that there is a likelihood of confusion between Opposer's Marks as pleaded in this opposition and Registration No. 3,653,684 for MAP MAKER, a TESS copy attached hereto as Exhibit 4.

Response to Request No. 17

Opposer lacks known or readily obtainable information sufficient to admit or deny this Request and otherwise reasserts the Privilege Objection.

Request No. 18

Please admit that opposer did not oppose registration of the trademark MAGIC MAKER in Registration No. 4,460,225, a TESS copy attached hereto as Exhibit 5.

Response to Request No. 18

Admitted.

Request No. 19

Please admit that opposer did not object to the use of the trademark MAGIC MAKER in Registration No. 4,460,225, a TESS copy attached hereto as Exhibit 5.

Response to Request No. 19

Opposer admits that, as of the date of service of these Responses, it has not objected to the use of the trademark attached to Applicant's Requests as Exhibit 5.

Request No. 20

Please admit that there is no likelihood of confusion between Opposer's Marks as pleaded in this opposition and Registration No. 4,460,225 for MAGIC MAKER, a TESS copy attached hereto as Exhibit 5.

Response to Request No. 20

Opposer lacks known or readily obtainable information sufficient to admit or deny this Request and otherwise reasserts the Privilege Objection.

Request No. 21

Please admit that there is a likelihood of confusion between Opposer's Marks as pleaded in this opposition and Registration No. 4,460,225 for MAGIC MAKER, a TESS copy attached hereto as Exhibit 5.

Response to Request No. 21

Opposer lacks known or readily obtainable information sufficient to admit or deny this Request and otherwise reasserts the Privilege Objection.

Request No. 22

Please admit that opposer did not oppose registration of the trademark SIN MAKER in Registration No. 4,049,639, a TESS copy attached hereto as Exhibit 6.

Response to Request No. 22

Admitted.

Request No. 23

Please admit that opposer did not object to the use of the trademark SIN MAKER in Registration No. 4,049,639, a TESS copy attached hereto as Exhibit 6.

Response to Request No. 23

Opposer admits that, as of the date of service of these Responses, it has not objected to the use of the trademark attached to Applicant's Requests as Exhibit 6.

Request No. 24

Please admit that there is no likelihood of confusion between Opposer's Marks as pleaded in this opposition and Registration No. 4,049,639 for SIN MAKER, a TESS copy attached hereto as Exhibit 6.

Response to Request No. 24

Opposer lacks known or readily obtainable information sufficient to admit or deny this Request and otherwise reasserts the Privilege Objection.

Request No. 25

Please admit that there is a likelihood of confusion between Opposer's Marks as pleaded in this opposition and Registration No. 4,049,639 for SIN MAKER, a TESS copy attached hereto as Exhibit 6.

Response to Request No. 25

Opposer lacks known or readily obtainable information sufficient to admit or deny this Request and otherwise reasserts the Privilege Objection.

Request No. 26

Withdrawn.

Response to Request No. 26

No response necessary as this Request was withdrawn.

Request No. 27

Withdrawn.

Response to Request No. 27

No response necessary as this Request was withdrawn.

Request No. 28

Withdrawn.

Response to Request No.28

No response necessary as this Request was withdrawn.

Request No. 29

Withdrawn.

Response to Request No. 29

No response necessary as this Request was withdrawn.

Request No. 30

Please admit that opposer did not oppose registration of the trademark S STRIKE
MAKER in Registration No. 5,308,828, a TESS copy attached hereto as Exhibit 8.

Response to Request No. 30

Admitted.

Request No. 31

Please admit that opposer did not object to the use of the trademark S STRIKE MAKER
in Registration No. 5,308,828, a TESS copy attached hereto as Exhibit 8.

Response to Request No. 31

Opposer admits that, as of the date of service of these Responses, it has not objected to the use of the trademark attached to Applicant's Requests as Exhibit 8.

Request No. 32

Please admit that there is no likelihood of confusion between Opposer's Marks as pleaded in this opposition and Registration No. 5,308,828 for S STRIKE MAKER, a TESS copy attached hereto as Exhibit 8.

Response to Request No. 32

Opposer lacks known or readily obtainable information sufficient to admit or deny this Request and otherwise reasserts the Privilege Objection.

Request No. 33

Please admit that there is a likelihood of confusion between Opposer's Marks as pleaded in this opposition and Registration No. 5,308,828 for S STRIKE MAKER, a TESS copy attached hereto as Exhibit 8.

Response to Request No. 33

Opposer lacks known or readily obtainable information sufficient to admit or deny this Request and otherwise reasserts the Privilege Objection.

Request No. 34

Please admit that opposer did not oppose registration of the trademark THE PARTY MAKER in Registration No. 3,651,463, a TESS copy attached hereto as Exhibit 9.

Response to Request No. 34

Admitted.

Request No. 35

Please admit that opposer did not object to the use of the trademark THE PARTY MAKER in Registration No. 3,651,463, a TESS copy attached hereto as Exhibit 9.

Response to Request No. 35

Opposer admits that, as of the date of service of these Responses, it has not objected to the use of the trademark attached to Applicant's Requests as Exhibit 9.

Request No. 36

Please admit that there is no likelihood of confusion between Opposer's Marks as pleaded in this opposition and Registration No. 3,651,463 for THE PARTY MAKER, a TESS copy attached hereto as Exhibit 9.

Response to Request No. 36

Opposer lacks known or readily obtainable information sufficient to admit or deny this Request and otherwise reasserts the Privilege Objection.

Request No. 37

Withdrawn.

Response to Request No. 37

No response necessary as this Request was withdrawn.

Request No. 38

Please admit that opposer did not oppose registration of the trademark MEMBER'S MARK in Registration No. 3,941,793, a TESS copy attached hereto as Exhibit 10.

Response to Request No. 38

Admitted.

Request No. 39

Please admit that opposer did not object to the use of the trademark MEMBER'S MARK in Registration No. 3,941,793, a TESS copy attached hereto as Exhibit 10.

Response to Request No. 39

Opposer admits that, as of the date of service of these Responses, it has not objected to the use of the trademark attached to Applicant's Requests as Exhibit 10.

Request No. 40

Please admit that there is no likelihood of confusion between Opposer's Marks as pleaded in this opposition and Registration No. 3,941,793 for MEMBER'S MARK, a TESS copy attached hereto as Exhibit 10.

Response to Request No. 40

Opposer lacks known or readily obtainable information sufficient to admit or deny this Request and otherwise reasserts the Privilege Objection.

Request No. 41

Please admit that there is a likelihood of confusion between Opposer's Marks as pleaded in this opposition and Registration No. 3,941,793 for MEMBER'S MARK, a TESS copy attached hereto as Exhibit 10.

Response to Request No. 41

Opposer lacks known or readily obtainable information sufficient to admit or deny this Request and otherwise reasserts the Privilege Objection.

Request No. 42

Please admit that opposer did not oppose registration of the trademark MEMBER'S MARK in Registration No. 5,396,943, a TESS copy attached hereto as Exhibit 11.

Response to Request No. 42

Admitted.

Request No. 43

Please admit that opposer did not object to the use of the trademark MEMBER'S MARK in Registration No. 5,396,943, a TESS copy attached hereto as Exhibit 11.

Response to Request No. 43

Opposer admits that, as of the date of service of these Responses, it has not objected to the use of the trademark attached to Applicant's Requests as Exhibit 11.

Request No. 44

Please admit that there is no likelihood of confusion between Opposer's Marks as pleaded in this opposition and Registration No. 5,396,943 for MEMBER'S MARK, a TESS copy attached hereto as Exhibit 11.

Response to Request No. 44

Opposer lacks known or readily obtainable information sufficient to admit or deny this Request and otherwise reasserts the Privilege Objection.

Request No. 45

Please admit that there is a likelihood of confusion between Opposer's Marks as pleaded in this opposition and Registration No. 5,396,943 for MEMBER'S MARK, a TESS copy attached hereto as Exhibit 11.

Response to Request No. 45

Opposer lacks known or readily obtainable information sufficient to admit or deny this Request and otherwise reasserts the Privilege Objection.

Request No. 46

Please admit that opposer did not oppose registration of the trademark COOPER'S MARK in Registration No. 4,115,536, a TESS copy attached hereto as Exhibit 12.

Response to Request No. 46

Admitted.

Request No. 47

Please admit that opposer did not object to the use of the trademark COOPER'S MARK in Registration No. 4,115,536, a TESS copy attached hereto as Exhibit 12.

Response to Request No. 47

Opposer admits that, as of the date of service of these Responses, it has not objected to the use of the trademark attached to Applicant's Requests as Exhibit 12.

Request 48

Please admit that there is no likelihood of confusion between Opposer's Marks as pleaded in this opposition and Registration No. 4,115,536 for COOPER'S MARK, a TESS copy attached hereto as Exhibit 12.

Response to Request No. 48

Opposer lacks known or readily obtainable information sufficient to admit or deny this Request and otherwise reasserts the Privilege Objection.

Request No. 49

Withdrawn.

Response to Request No. 49

No response necessary as this Request was withdrawn.

Request No. 50

Please admit that opposer did not oppose registration of the trademark OLD MARK in Registration No. 4,739,555, a TESS copy attached hereto as Exhibit 13.

Response to Request No. 50

Admitted.

Request No. 51

Please admit that opposer did not object to the use of the trademark OLD MARK in Registration No. 4,739,555, a TESS copy attached hereto as Exhibit 13.

Response to Request No. 51

Opposer admits that, as of the date of service of these Responses, it has not objected to the use of the trademark attached to Applicant's Requests as Exhibit 13.

Request No. 52

Please admit that there is no likelihood of confusion between Opposer's Marks as pleaded in this opposition and Registration No. 4,739,555 for OLD MARK, a TESS copy attached hereto as Exhibit 13.

Response to Request No.52

Opposer lacks known or readily obtainable information sufficient to admit or deny this Request and otherwise reasserts the Privilege Objection.

Request No. 53

Withdrawn.

Response to Request No.53

No response necessary as this Request was withdrawn.

Request No. 54

Withdrawn.

Response to Request No.54

No response necessary as this Request was withdrawn.

Request No. 55

Withdrawn.

Response to Request No.55

No response necessary as this Request was withdrawn.

Request No. 56

Withdrawn.

Response to Request No.56

No response necessary as this Request was withdrawn.

Request No. 57

Withdrawn.

Response to Request No.57

No response necessary as this Request was withdrawn.

Request No. 58

Please admit that opposer did not oppose registration of the trademark GREEN MARK in
Registration No. 3,744,765, a TESS copy attached hereto as Exhibit 15.

Response to Request No. 58

Admitted.

Request No. 59

Please admit that opposer did not object to the use of the trademark GREEN MARK in
Registration No. 3,744,765, a TESS copy attached hereto as Exhibit 15.

Response to Request No. 59

Opposer admits that, as of the date of service of these Responses, it has not objected to the use of the trademark attached to Applicant's Requests as Exhibit 15.

Request No. 60

Please admit that there is no likelihood of confusion between Opposer's Marks as pleaded in this opposition and Registration No. 3,744,765 for GREEN MARK, a TESS copy attached hereto as Exhibit 15.

Response to Request No. 60

Opposer lacks known or readily obtainable information sufficient to admit or deny this Request and otherwise reasserts the Privilege Objection.

Request No. 61

Withdrawn.

Response to Request No.61

No response necessary as this Request was withdrawn.

Request No. 62

Please admit that opposer did not oppose registration of the trademark SILVER MARK in Registration No. 4,429,720, a TESS copy attached hereto as Exhibit 16.

Response to Request No. 62

Admitted.

Request No. 63

Please admit that opposer did not object to the use of the trademark SILVER MARK in Registration No. 4,429,720, a TESS copy attached hereto as Exhibit 16.

Response to Request No. 63

Opposer admits that, as of the date of service of these Responses, it has not objected to the use of the trademark attached to Applicant's Requests as Exhibit 16.

Request No. 64

Please admit that there is no likelihood of confusion between Opposer's Marks as pleaded in this opposition and Registration No. 4,429,720 for SILVER MARK, a TESS copy attached hereto as Exhibit 16.

Response to Request No. 64

Opposer lacks known or readily obtainable information sufficient to admit or deny this Request and otherwise reasserts the Privilege Objection.

Request No. 65

Withdrawn.

Response to Request No. 65

No response necessary as this Request was withdrawn.

Request No. 66

Please admit that opposer did not oppose registration of the trademark SHEPHERDS MARK in Registration No. 4,083,804, a TESS copy attached hereto as Exhibit 17.

Response to Request No. 66

Admitted.

Request No. 67

Please admit that opposer did not object to the use of the trademark SHEPHERDS MARK in Registration No. 4,083,804, a TESS copy attached hereto as Exhibit 17.

Response to Request No. 67

Opposer admits that, as of the date of service of these Responses, it has not objected to the use of the trademark attached to Applicant's Requests as Exhibit 17.

Request No. 68

Please admit that there is no likelihood of confusion between Opposer's Marks as pleaded in this opposition and Registration No. 4,083,804 for SHEPHERDS MARK, a TESS copy attached hereto as Exhibit 17.

Response to Request No. 68

Opposer lacks known or readily obtainable information sufficient to admit or deny this Request and otherwise reasserts the Privilege Objection.

Request No. 69

Withdrawn.

Response to Request No. 69

No response necessary as this Request was withdrawn.

Request No. 70

Please admit that opposer did not oppose registration of the trademark VINTNER'S MARK in Registration No. 4,238,105, a TESS copy attached hereto as Exhibit 18.

Response to Request No. 70

Admitted.

Request No. 71

Please admit that opposer did not object to the use of the trademark VINTNER'S MARK in Registration No. 4,238,105, a TESS copy attached hereto as Exhibit 18.

Response to Request No. 71

Opposer admits that, as of the date of service of these Responses, it has not objected to the use of the trademark attached to Applicant's Requests as Exhibit 18.

Request No. 72

Please admit that there is no likelihood of confusion between Opposer's Marks as pleaded in this opposition and Registration No. 4,238,105 for VINTNER'S MARK, a TESS copy attached hereto as Exhibit 18.

Response to Request No. 72

Opposer lacks known or readily obtainable information sufficient to admit or deny this Request and otherwise reasserts the Privilege Objection.

Request No. 73

Withdrawn.

Response to Request No. 73

No response necessary as this Request was withdrawn.

Request No. 74

Please admit that opposer did not oppose registration of the trademark BEAUTY MARK in Registration No. 5,222,540, a TESS copy attached hereto as Exhibit 19.

Response to Request No. 74

Admitted.

Request No. 75

Please admit that opposer did not object to the use of the trademark BEAUTY MARK in Registration No. 5,222,540, a TESS copy attached hereto as Exhibit 19.

Response to Request No. 75

Opposer admits that, as of the date of service of these Responses, it has not objected to the use of the trademark attached to Applicant's Requests as Exhibit 19.

Request No. 76

Please admit that there is no likelihood of confusion between Opposer's Marks as pleaded in this opposition and Registration No. 5,222,540 for BEAUTY MARK, a TESS copy attached hereto as Exhibit 19.

Response to Request No. 76

Opposer lacks known or readily obtainable information sufficient to admit or deny this Request and otherwise reasserts the Privilege Objection.

Request No. 77

Withdrawn.

Response to Request No. 77

No response necessary as this Request was withdrawn.

Request No. 78

Please admit that opposer did not oppose registration of the trademark ROYAL MARK in Registration No. 1,285,527, a TESS copy attached hereto as Exhibit 20.

Response to Request No. 78

Admitted.

Request No. 79

Please admit that opposer did not object to the use of the trademark ROYAL MARK in Registration No. 1,285,527, a TESS copy attached hereto as Exhibit 20.

Response to Request No. 79

Opposer admits that, as of the date of service of these Responses, it has not objected to the use of the trademark attached to Applicant's Requests as Exhibit 20.

Request No. 80

Please admit that there is no likelihood of confusion between Opposer's Marks as pleaded in this opposition and Registration No. 1,285,527 for ROYAL MARK, a TESS copy attached hereto as Exhibit 20.

Response to Request No. 80

Opposer lacks known or readily obtainable information sufficient to admit or deny this Request and otherwise reasserts the Privilege Objection.

Request No. 81

Please admit that there is a likelihood of confusion between Opposer's Marks as pleaded in this opposition and Registration No. 1,285,527 for ROYAL MARK, a TESS copy attached hereto as Exhibit 20.

Response to Request No. 81

Opposer lacks known or readily obtainable information sufficient to admit or deny this Request and otherwise reasserts the Privilege Objection.

Request No. 82

Please admit that opposer did not oppose registration of the trademark KING'S MARK in Registration No. 0,842,977, a TESS copy attached hereto as Exhibit 21.

Response to Request No. 82

Admitted.

Request No. 83

Please admit that opposer did not object to the use of the trademark KING'S MARK in Registration No. 0,842,977, a TESS copy attached hereto as Exhibit 21.

Response to Request No. 83

Opposer admits that, as of the date of service of these Responses, it has not objected to the use of the trademark attached to Applicant's Requests as Exhibit 21.

Request No. 84

Please admit that there is no likelihood of confusion between Opposer's Marks as pleaded in this opposition and Registration No. 0,842,977 for KING'S MARK, a TESS copy attached hereto as Exhibit 21.

Response to Request No. 84

Opposer lacks known or readily obtainable information sufficient to admit or deny this Request and otherwise reasserts the Privilege Objection.

Request No. 85

Withdrawn.

Response to Request No. 85

No response necessary as this Request was withdrawn.

Request No. 86

Please admit that opposer did not oppose registration of the trademark FANCY MARK in Registration No. 0,600,119, a TESS copy attached hereto as Exhibit 22.

Response to Request No. 86

Admitted.

Request No. 87

Please admit that opposer did not object to the use of the trademark FANCY MARK in Registration No. 0,600,119, a TESS copy attached hereto as Exhibit 22.

Response to Request No. 87

Opposer admits that, as of the date of service of these Responses, it has not objected to the use of the trademark attached to Applicant's Requests as Exhibit 22.

Request No. 88

Please admit that there is no likelihood of confusion between Opposer's Marks as pleaded in this opposition and Registration No. 0,600,119 for FANCY MARK, a TESS copy attached hereto as Exhibit 22.

Response to Request No. 88

Opposer lacks known or readily obtainable information sufficient to admit or deny this Request and otherwise reasserts the Privilege Objection.

Request No. 89

Withdrawn.

Response to Request No. 89

No response necessary as this Request was withdrawn.

July 30, 2020

Respectfully submitted,

MAKER'S MARK DISTILLERY, INC.

By: 

Christopher C. Mackey
Associate General Counsel and Global IP
Director of Maker's Mark Distillery, Inc.

By: /s/ Richard M. Assmus

Michael D. Adams
Richard M. Assmus
Daniel P. Virtue
MAYER BROWN LLP
P.O. Box 2828
Chicago, IL 60690-2828
(312) 701-8623

Attorneys for Opposer

CERTIFICATE OF SERVICE

It is hereby certified that on this 31st day of July, 2020, a true copy of the foregoing
Opposer's Objections and Responses to Applicant's Revised First Set of Requests for Admission
was sent via email to counsel for Applicant at the following address:

THEODORE A BREINER
BREINER & BREINER LLC
115 NORTH HENRY STREET
ALEXANDRIA, VA 22314-2903
UNITED STATES
tbreiner@bbpatlaw.com

Respectfully submitted,

By: /s/ Daniel P. Virtue

Michael D. Adams
Richard M. Assmus
Daniel P. Virtue
MAYER BROWN LLP
P.O. Box 2828
Chicago, IL 60690-2828
(312) 701-8623

Attorneys for Opposer

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

MAKER'S MARK DISTILLERY, INC.,)	
)	
Opposer,)	
)	
v.	)	Opposition No. 91239589
)	
)	
	)	Serial No. 87/383,989
BOWMAKER'S WHISKEY COMPANY,	)	Mark: BOWMAKER'S WHISKEY
)	
Applicant.)	

- - - - -

APPLICANT'S FIRST REQUEST FOR THE PRODUCTION OF DOCUMENTS

Under the provisions of Rule 34 of the Federal Rules of Civil Procedure, 37 C.F.R. § 2.120 and TBMP § 406, applicant requests opposer to produce documents and tangible things (collectively called "items" hereinafter) in its possession, custody, or control, or to which it has access which constitutes or which relates or pertains in any way to any of the following categories. The items contemplated by this request shall be produced at the law offices of Breiner & Breiner, L.L.C., 115 North Henry Street, Alexandria, Virginia 22314, or at a place otherwise agreed upon by the parties.

In the event categories or subcategories overlap, items need be produced only once, however, all items in the

Opposition No. 91239589

possession, custody, or control of opposer are to be produced.

As to any documents withheld on the ground of privilege or work product, identify the document and state at least the following:

- (a) the basis for such claim;
- (b) the author of the document;
- (c) each individual or other person who received a copy of the document or to whom a copy of the document was sent;
- (d) the date of the document; and
- (e) the subject matter of the document.

Definitions, where applicable, are set forth in Applicant's First Set of Interrogatories of even date.

Category No. 1

All documents referring or relating to applicant and applicant's trademark BOWMAKER'S WHISKEY.

Category No. 2

All documents referred to or relied upon by opposer in support of the notice of opposition.

Category No. 3

All documents referring or relating to the conception, design, selection, approval or adoption of

Opposition No. 91239589

Opposer's Marks.

Category No. 4

Representative documents referring or relating to opposer's first use of the Opposer's Marks anywhere and in interstate commerce.

Category No. 5

All documents listed in opposer's initial disclosures.

Category No. 6

All documents referring or relating to any application to register or registration of Opposer's Marks.

Category No. 7

All articles, publications, trade publications, etc. referring or relating to Opposer's Marks.

Category No. 8

All documents which opposer intends to rely on during its testimony period in support of its case and all documents referring or relating to such documents.

Category No. 9

Samples showing the manner in which opposer uses Opposer's Marks for each of its products and/or services.

Opposition No. 91239589

Category No. 10

All surveys, public opinion polls, or market research concerning any matter relating to Opposer's Marks or the trademark BOWMAKER'S WHISKEY of applicant.

Category No. 11

All license agreements under which opposer has licensed another to use Opposer's Marks and all documents referring or relating thereto.

Category No. 12

All documents referring or relating to opposer's enforcement or attempted enforcement of Opposer's Marks.

Category No. 13

All documents referring or relating to any litigation, opposition or cancellation proceeding involving Opposer's Marks.

Category No. 14

All documents referring or relating to opposer's allegation that opposer will be damaged by applicant's registration of the trademark BOWMAKER'S WHISKEY.

Category No. 15

All documents between opposer and any third party relating to applicant.

Opposition No. 91239589

Category No. 16

All documents referring or relating to any likelihood of confusion between opposer's products sold under Opposer's Marks and applicant's BOWMAKER'S WHISKEY products.

Category No. 17

All documents referring or relating to any actual confusion between opposer's products or services sold under Opposer's Marks and applicant's BOWMAKER'S WHISKEY products.

Category No. 18

Representative documents which summarize the total sales by year of products sold by opposer under Opposer's Marks for the last five years.

Category No. 19

Representative documents which summarize the total advertising expenditures by opposer for products using Opposer's Marks for the last five years.

Category No 20

All correspondence sent by or on behalf of opposer objecting to another's use of a name asserted to be confusingly similar to Opposer's Marks.

Opposition No. 91239589

Category No. 21

All documents evidencing opposer's agreement to another's use of a name using the words "Maker's," "Maker" or "Mark."

Category No. 22

All documents identified in response to applicant's first set of interrogatories to opposer.

Category No. 22

All documents referring or relating to the third party use and/or registration of names using the term "Maker's," "Maker" or "Mark" in the attached Exhibits 1-22, TESS copies of registrations for these trademarks.

Respectfully submitted,
BOWMAKER'S WHISKEY COMPANY

By: /s/Theodore A. Breiner
Theodore A. Breiner
Registration No. 32,103
BREINER & BREINER, L.L.C.
115 North Henry Street
Alexandria, Virginia 22314-2903
Telephone (703) 684-6885
Facsimile (703) 684-8206
tbreiner@bbpatlaw.com

July 30, 2018

Attorneys for Applicant

CERTIFICATE OF SERVICE

It is hereby certified that on this 30th day of
July, 2018, a true copy of the foregoing paper entitled-

APPLICANT'S FIRST REQUEST FOR THE PRODUCTION OF DOCUMENTS
was served by email on -

Michael D. Adams
MAYER BROWN LLP
P.O. BOX 2828
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gbarcelona@mayerbrown.com
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/s/Theodore A. Breiner
THEODORE A. BREINER



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MAKER'S TABLE

Word Mark	MAKER'S TABLE
Goods and Services	(CANCELLED) IC 033. US 047 049. G & S: Alcoholic beverages, namely, wines
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	79013073
Filing Date	May 6, 2005
Current Basis	66A
Original Filing Basis	66A
Published for Opposition	April 18, 2006
Registration Number	3114487
International Registration Number	0856049
Registration Date	July 11, 2006
Owner	(REGISTRANT) Beringer Blass Wine Estates Limited CORPORATION AUSTRALIA Level 2 77 Southbank Boulevard SOUTHBANK, VIC 3006 AUSTRALIA (LAST LISTED OWNER) Treasury Wine Estates Vintners Limited Incorporated Company 58 Queensbridge Street Southbank, Victoria 3006 AUSTRALIA
Attorney of Record	Gary D. Krugman
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	DEAD
Cancellation Date	May 6, 2015

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THE MAKER

Word Mark	THE MAKER
Goods and Services	IC 033. US 047 049. G & S: Wines. FIRST USE: 20110803. FIRST USE IN COMMERCE: 20130417
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85503034
Filing Date	December 23, 2011
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	May 22, 2012
Registration Number	4403990
Registration Date	September 17, 2013
Owner	(REGISTRANT) Wellington Harbour Holdings Limited COMPANY NEW ZEALAND 6th Floor, Huddart Parker Building 1 Post Office Square Wellington 6011 NEW ZEALAND (LAST LISTED OWNER) THREE H LIMITED CORPORATION NEW ZEALAND 49 LUCERNE ROAD REMUERA, AUCKLAND NEW ZEALAND 1050 (LAST LISTED OWNER) CRAWFORD, KIM INDIVIDUAL NEW ZEALAND 155 VICTORIA AVENUE REMUERA, AUCKLAND NEW ZEALAND 1050 (LAST LISTED OWNER) CRAWFORD, FREDERIKA ELFRIEDE INDIVIDUAL NEW ZEALAND 155 VICTORIA AVENUE REMUERA, AUCKLAND NEW ZEALAND 1050
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of	William D. O'Neill

Record**Type of Mark** TRADEMARK**Register** PRINCIPAL**Live/Dead
Indicator** LIVE[TESS HOME](#)[NEW USER](#)[STRUCTURED](#)[FREE FORM](#)[BROWSE DICT](#)[SEARCH OG](#)[TOP](#)[HELP](#)[HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)



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Barrel Maker

Word Mark BARREL MAKER

Goods and Services IC 033. US 047 049. G & S: Wine. FIRST USE: 20110901. FIRST USE IN COMMERCE: 20110901

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 86489398

Filing Date December 23, 2014

Current Basis 1A

Original Filing Basis 1A

Published for Opposition May 26, 2015

Registration Number **4790239**

Registration Date August 11, 2015

Owner (REGISTRANT) Cooper Wine Company, LLC LIMITED LIABILITY COMPANY WASHINGTON 35306 N. Sunset Road Benton City WASHINGTON 99320

Attorney of Record Thomas J. Schlegel

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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MAP MAKER

Word Mark	MAP MAKER
Goods and Services	IC 033. US 047 049. G & S: Wine
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77554123
Filing Date	August 22, 2008
Current Basis	44E
Original Filing Basis	1B;44D
Published for Opposition	April 28, 2009
Registration Number	3653684
Registration Date	July 14, 2009
Owner	(REGISTRANT) MAASDAM, RUUD ARIE INDIVIDUAL NEW ZEALAND 1734 Waihopai Valley, RD 6 Blenheim NEW ZEALAND 7276
Attorney of Record	Roxana A. Sullivan
Priority Date	July 28, 2008
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR).
Live/Dead Indicator	LIVE

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Word Mark MAGIC MAKER

Goods and Services IC 033. US 047 049. G & S: Wine. FIRST USE: 20130905. FIRST USE IN COMMERCE: 20130905

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 85876464

Filing Date March 14, 2013

Current Basis 1A

Original Filing Basis 1A

Published for Opposition July 30, 2013

Registration Number **4460225**

Registration Date December 31, 2013

Owner (REGISTRANT) Constellation Brands U.S. Operations, Inc. CORPORATION NEW YORK 235 North Bloomfield Road Canandaigua NEW YORK 14424

Attorney of Record Stephen L. Baker

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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Word Mark	SIN MAKER
Goods and Services	IC 033. US 047 049. G & S: Alcoholic energy drinks. FIRST USE: 20090501. FIRST USE IN COMMERCE: 20090501
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77669525
Filing Date	February 12, 2009
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	June 9, 2009
Registration Number	4049639
Registration Date	November 1, 2011
Owner	(REGISTRANT) Sinmaker, LLC LIMITED LIABILITY COMPANY LOUISIANA 2712 Tradition Avenue Baton Rouge LOUISIANA 70810
Attorney of Record	Thomas McEachin
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 8 (6-YR).
Live/Dead Indicator	LIVE

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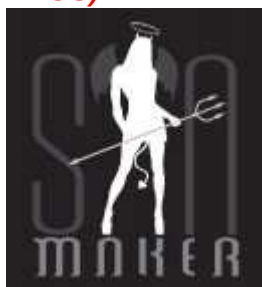
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Word Mark SIN MAKER

Goods and Services IC 033. US 047 049. G & S: Alcoholic energy drinks. FIRST USE: 20090501. FIRST USE IN COMMERCE: 20090501

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design 02.03.02 - Silhouettes of women; Women depicted as shadows or silhouettes of women

Search Code 03.17.01 - Wings, birds'
04.01.02 - Angels; Cherubs; Cupids; Halos on animals or humans; Winged personages
04.01.05 - Heads of devils or horned personages, with or without wings; Heads with horns (persons)
14.07.02 - Farm equipment, agricultural implements (non-motorized), pitchfork; Pitch forks; Pitchfork
27.03.02 - Humans forming letters or numerals; Humans forming punctuation

Serial Number 85129241

Filing Date September 14, 2010

Current Basis 1A

Original Filing Basis 1B

Published for Opposition March 1, 2011

Registration Number 4053946

Registration Date November 8, 2011

Owner (REGISTRANT) Sinmaker, LLC LIMITED LIABILITY COMPANY LOUISIANA 2712 TRADITION AVENUE BATON ROUGE LOUISIANA 70810

Attorney of Record THOMAS M. McEACHIN

Description of Mark Color is not claimed as a feature of the mark. The mark consists of stylized "S" and "N" with an angel holding a pitchfork in lieu of an "I" between the "S" and "N", all above the stylized word "maker".

Type of Mark TRADEMARK

Register PRINCIPAL

Affidavit Text SECT 8 (6-YR).

**Live/Dead
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STRIKE MAKER

Word Mark S STRIKE MAKER

Goods and Services IC 025. US 022 039. G & S: Clothing, namely, pants, shirts, jackets, masquerade costumes, beachwear, belts, Bermuda shorts, blazers, blouses, blousons, boxer shorts, coats for men and women, cravats, dresses, golf caps, jogging suits, ladies' underwear, men and women jackets, coats, trousers, vests, men's suits, women's suits, polo shirts, shorts, skirts and dresses, socks and stockings, swim wear for gentlemen and ladies, t-shirts, footwear, headgear, namely, hats, caps

IC 028. US 022 023 038 050. G & S: Games and playthings, namely, card games, arcade games, and chess games, backgammon games, clockwork toys, coin-operated amusement machines, counters and marbles for games, dart games, dominoes, draught boards, electronic action toys, electronic games other than those adapted for use with television receivers only, electronic learning toys, hand-held games with liquid crystal displays, inflatable toys, jigsaw puzzles, lottery wheels, marionettes, model cars, musical toys, playing cards, puzzles, scale model vehicles, toy action figures, toy animals, toy balloons, gymnastic and sporting articles, namely, gymnastic apparatus and gymnastic horizontal bars and sport balls, archery bows, archery targets, arrows, backgammon games, balls for games, bats for games, boards used in the practice of water sports, body-training apparatus, bowling apparatus and machinery, bowling bags, bowling balls, bowling gloves, bowling pins, boxing gloves, covers for golf clubs, discuses for sports, electronic targets for games and sports, fitted head covers for golf clubs, flippers for swimming, football or soccer goals, golf bags, golf balls, golf clubs, golf tees, hockey pucks, hockey sticks, in-line roller skates, jump ropes, kites, nets for sports, pétanque balls, play balls and play balloons, punching balls, rackets and strings for rackets, roller and ice skates, sails and sailboards for board sailing, skateboards, ski bindings, skis, snow shoes, snowboard bindings, softballs, surf boards, surf skis, swim fins, swimming boards, swimming flippers, table tennis bats, table tennis tables, tables for indoor football, tennis balls and shuttle-cocks, tennis nets and uprights, tennis racquets, waterskis

IC 032. US 045 046 048. G & S: Beers; mineral and aerated waters and non-alcoholic drinks, namely, softdrinks, flavored waters, frozen fruit-based beverages, fruit flavored drinks, isotonic beverages, lemonades, non-alcoholic beverages with tea flavour, non-alcoholic cocktails, still waters, vegetable juices, fruit drinks and fruit juices; syrups, concentrates and powders for making beverages

IC 033. US 047 049. G & S: Alcoholic beverages except beers

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design 26.01.17 - Circles, two concentric; Concentric circles, two; Two concentric circles

Search Code 26.01.21 - Circles that are totally or partially shaded.

Serial Number 79197972

Filing Date July 20, 2016

Current Basis 66A

Original Filing Basis 66A

Published for Opposition August 1, 2017

Registration Number 5308828

International Registration Number 0946418

Registration Date October 17, 2017

Owner (REGISTRANT) PIN MARKETING S.L. SOCIEDAD DE RESPONSABILIDAD LIMITADA SPAIN Avda. Felo Monzon, 18 Montana la Data Alta,
St. Bartolome de Tirajana Gran Canaria SPAIN E-35109

Attorney of Record Molly B. Markley

Description of Mark Color is not claimed as a feature of the mark. The mark consists of a stylized letter "S" in a circle above the stylized wording "STRIKE MAKER".

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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THE PARTY MAKER

Word Mark	THE PARTY MAKER
Goods and Services	(CANCELLED) IC 032. US 045 046 048. G & S: Beer, mineral and aerated waters; non-alcoholic drinks, namely, non-alcoholic energy drinks; fruit drinks and fruit juices (CANCELLED) IC 033. US 047 049. G & S: Alcoholic beverages, namely, alcoholic energy drinks
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Trademark Search Facility Classification Code	SHAPES-MISC Miscellaneous shaped designs
Serial Number	79061826
Filing Date	October 28, 2008
Current Basis	66A
Original Filing Basis	66A
Published for Opposition	April 21, 2009
Registration Number	3651463
International Registration Number	0984292
Registration Date	July 7, 2009
Owner	(REGISTRANT) CULT A/S LIMITED LIABILITY COMPANY DENMARK Sindalsvej 5A DK-8240 Risskov DENMARK (LAST LISTED OWNER) Bev.Con ApS private limited company DENMARK Lægårdsvej 24 DK-8520 Lystrup DENMARK
Priority Date	September 23, 2008
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead	DEAD

Indicator**Cancellation Date** February 12, 2016[TESS HOME](#)[NEW USER](#)[STRUCTURED](#)[FREE FORM](#)[BROWSE DICT](#)[SEARCH OG](#)[TOP](#)[HELP](#)

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MEMBER'S MARK

Word Mark	MEMBER'S MARK
Goods and Services	IC 033. US 047 049. G & S: Alcoholic beverages except beers. FIRST USE: 20091231. FIRST USE IN COMMERCE: 20091231
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77918180
Filing Date	January 22, 2010
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	June 1, 2010
Registration Number	3941793
Registration Date	April 5, 2011
Owner	(REGISTRANT) Wal-Mart Stores, Inc. CORPORATION DELAWARE 702 SW 8th Street Bentonville ARKANSAS 72716 (LAST LISTED OWNER) WALMART APOLLO, LLC LIMITED LIABILITY COMPANY DELAWARE 702 SW 8TH STREET MS 0215 BENTONVILLE ARKANSAS 72716
Assignment Recorded	ASSIGNMENT RECORDED
Prior Registrations	2579025;2579031;2579036;AND OTHERS
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR).
Live/Dead	LIVE

Exhibit 10

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MEMBER'S MARK

Word Mark	MEMBER'S MARK
Goods and Services	IC 033. US 047 049. G & S: alcoholic beverages, except beer; alcoholic cocktail mixes. FIRST USE: 20100114. FIRST USE IN COMMERCE: 20100114
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	86862210
Filing Date	December 30, 2015
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	May 24, 2016
Registration Number	5396943
Registration Date	February 6, 2018
Owner	(REGISTRANT) Wal-Mart Stores, Inc. CORPORATION DELAWARE 702 SW 8th Street Bentonville ARKANSAS 72716 (LAST LISTED OWNER) WALMART APOLLO, LLC LIMITED LIABILITY COMPANY DELAWARE 702 SW 8TH STREET MS 0215 BENTONVILLE ARKANSAS 72716
Assignment Recorded	ASSIGNMENT RECORDED
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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COOPER'S MARK

Word Mark	COOPER'S MARK
Goods and Services	IC 033. US 047 049. G & S: Distilled spirits. FIRST USE: 20111023. FIRST USE IN COMMERCE: 20111023
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85009256
Filing Date	April 8, 2010
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	December 28, 2010
Registration Number	4115536
Registration Date	March 20, 2012
Owner	(REGISTRANT) Fast Forward Brands, LLC LIMITED LIABILITY COMPANY DELAWARE 1399 East Quincey Ave. Englewood COLORADO 80113
Attorney of Record	Stephen L. Baker
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "MARK" APART FROM THE MARK AS SHOWN
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR).
Live/Dead Indicator	LIVE

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OLD MARK

Word Mark	OLD MARK
Goods and Services	IC 033. US 047 049. G & S: Vodka. FIRST USE: 20140700. FIRST USE IN COMMERCE: 20141013
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85859240
Filing Date	February 25, 2013
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	July 16, 2013
Registration Number	4739555
Registration Date	May 19, 2015
Owner	(REGISTRANT) Obshchestvo s ogranichennoy otvetstvennostyu "RUSINVEST" obshchestvo s ogranichennoy otvetstvennostyu (ooo) RUSSIAN FED. Moskovskaya Oblast Novomytishchenskiy prospekt, 41, korp. 1 Mytishchi RUSSIAN FED. 141018
Attorney of Record	Alexander S. Lazouski
Prior Registrations	4177696
Type of Mark	TRADEMARK
Register	PRINCIPAL

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Word Mark OLD MARK
Goods and Services IC 033. US 047 049. G & S: Vodka. FIRST USE: 20140700. FIRST USE IN COMMERCE: 20141013
Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code 07.03.02 - Cathedral; Churches
 07.07.25 - Domes; Loading platforms; Solar panels
Serial Number 85853465
Filing Date February 19, 2013
Current Basis 1A
Original Filing Basis 1B
Published for Opposition August 13, 2013
Registration Number 4739553
Registration Date May 19, 2015
Owner (REGISTRANT) Obshchestvo s ogranichennoy otvetstvennostyu "RUSINVEST" obshchestvo s ogranichennoy otvetstvennostyu (ooo) RUSSIAN FED. Moskovskaya Oblast Novomytishchenskiy prospekt, 41, korp. 1 Mytishchi, RUSSIAN FED. 141018
Attorney of Record Alexander S. Lazouski
Prior Registrations 4177696
Description of Mark The color(s) red, white is/are claimed as a feature of the mark. The mark consists of five church domes in red and white colors with the wording "OLD MARK" in red below in stylized font. The letter "M" is in bigger size font.
Type of Mark TRADEMARK

Register PRINCIPAL
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Indicator** LIVE

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Word Mark	GREEN MARK
Goods and Services	IC 033. US 047 049. G & S: Vodka
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	78555695
Filing Date	January 28, 2005
Current Basis	44E
Original Filing Basis	1B
Published for Opposition	November 17, 2009
Registration Number	3744765
Registration Date	February 2, 2010
Owner	(REGISTRANT) Obschestvo s ogranichennoi otvetstvennostiu "Glavspirtrest" LIMITED LIABILITY COMPANY RUSSIAN FED. Oktyabrskaya street 46 Pushkino Moscow region RUSSIAN FED. 141201
Attorney of Record	David C. Purdue
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR).
Live/Dead Indicator	LIVE

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SILVER MARK

Word Mark	SILVER MARK
Goods and Services	IC 033. US 047 049. G & S: Alcoholic beverages except beers. FIRST USE: 20120801. FIRST USE IN COMMERCE: 20121101
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85687238
Filing Date	July 26, 2012
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	December 25, 2012
Registration Number	4429720
Registration Date	November 5, 2013
Owner	(REGISTRANT) Intercontinental Packaging Co. CORPORATION MINNESOTA 2300 Pilot Knob Road Mendota Heights MINNESOTA 55120
Attorney of Record	Paulette R. Carey
Prior Registrations	3955931
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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Word Mark SHEPHERDS MARK

Goods and Services IC 033. US 047 049. G & S: Wines. FIRST USE: 20041213. FIRST USE IN COMMERCE: 20050201

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 85338285

Filing Date June 5, 2011

Current Basis 1A

Original Filing Basis 1A

Published for Opposition October 25, 2011

Registration Number **4083804**

Registration Date January 10, 2012

Owner (REGISTRANT) Alexandria Nicole Cellars, LLC LIMITED LIABILITY COMPANY WASHINGTON 2880 Lee Road, Suite D Prosser WASHINGTON 99350

Attorney of Record Jeffrey A. Hank, Esq.

Type of Mark TRADEMARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR).

Live/Dead Indicator LIVE

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Word Mark	VINTNER'S MARK
Goods and Services	IC 033. US 047 049. G & S: Wines. FIRST USE: 20120904. FIRST USE IN COMMERCE: 20120904
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85009688
Filing Date	April 8, 2010
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	January 11, 2011
Registration Number	4238105
Registration Date	November 6, 2012
Owner	(REGISTRANT) Fast Forward Brands, LLC LIMITED LIABILITY COMPANY DELAWARE 1399 East Quincey Ave. Englewood COLORADO 80113
Attorney of Record	Stephen L. Baker
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR).
Live/Dead Indicator	LIVE

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BEAUTY MARK

Word Mark	BEAUTY MARK
Goods and Services	IC 033. US 047 049. G & S: Wines. FIRST USE: 20150401. FIRST USE IN COMMERCE: 20150401
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	87226020
Filing Date	November 4, 2016
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	March 28, 2017
Registration Number	5222540
Registration Date	June 13, 2017
Owner	(REGISTRANT) Guerrero Enterprises LLC LIMITED LIABILITY COMPANY CALIFORNIA P O Box 1675 Boyes Hot Springs CALIFORNIA 95416
Attorney of Record	Heather A. Sapp
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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Word Mark	ROYAL MARK
Goods and Services	(CANCELLED) IC 033. US 049. G & S: Blended Scotch Whisky. FIRST USE: 19830513. FIRST USE IN COMMERCE: 19830513
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	73428275
Filing Date	June 1, 1983
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	April 17, 1984
Registration Number	1285527
Registration Date	July 10, 1984
Owner	(REGISTRANT) Joseph R. Seagram & Sons, Inc. CORPORATION INDIANA 375 Park Ave. New York NEW YORK 10152
Attorney of Record	Cindy E. Nelson
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	DEAD
Cancellation Date	December 7, 1990

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KING'S
MARK

Word Mark	KING'S MARK
Goods and Services	(EXPIRED) IC 033. US 049. G & S: SCOTCH WHISKY. FIRST USE: 19600712. FIRST USE IN COMMERCE: 19601020
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	05.05.03 - Fleur-de-lis
Serial Number	72259171
Filing Date	November 21, 1966
Current Basis	1A
Original Filing Basis	1A
Registration Number	0842977
Registration Date	January 23, 1968
Owner	(REGISTRANT) SAZERAC COMPANY, INC. DBA KINGS'S MARK COMPANY CORPORATION LOUISIANA P.O. BOX 52821 803 JEFFERSON HIGHWAY NEW ORLEANS LOUISIANA 70152
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Todd S. Bontemps
Disclaimer	THE WORD "MARK" IS DISCLAIMED APART FROM THE MARK AS SHOWN.
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15.

Renewal 1ST RENEWAL 19880123
Live/Dead Indicator DEAD

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Word Mark	FANCY MARK
Goods and Services	(EXPIRED) IC 033. US 049. G & S: GIN. FIRST USE: 19520410. FIRST USE IN COMMERCE: 19520410
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	71629483
Filing Date	May 10, 1952
Current Basis	1A
Original Filing Basis	1A
Registration Number	0600119
Registration Date	December 28, 1954
Owner	(REGISTRANT) FLEISCHMANN DISTILLING CORPORATION, THE CORPORATION DELAWARE 595 MADISON AVE. NEW YORK NEW YORK
Assignment Recorded	ASSIGNMENT RECORDED
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15.
Renewal	1ST RENEWAL 19741228
Live/Dead Indicator	DEAD

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

MAKER'S MARK DISTILLERY, INC.,)	
)	
Opposer,)	
)	
v.	)	Opposition No.: 91239589
)	
BOWMAKER'S WHISKEY COMPANY)	
	)	Serial No. 87/383,989
Applicant.	)	Mark: BOWMAKER'S WHISKEY

**OPPOSER'S OBJECTIONS AND RESPONSES TO
APPLICANT'S FIRST REQUEST FOR THE PRODUCTION OF DOCUMENTS**

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure and Rules 406 and 410 of the Trademark Trial and Appeal Board Manual of Procedure ("TBMP"), Opposer Maker's Mark Distillery, Inc. ("Maker's"), by its attorneys, hereby objects and responds to Applicant's First Request for the Production of Documents (the "Requests"), propounded by Bowmaker's Whiskey Company ("Applicant" or "Bowmaker's"), as follows:

PRELIMINARY STATEMENT

1. Maker's is willing to meet and confer with Applicant at a mutually agreeable time to discuss the Requests and Maker's objections and responses thereto and to resolve any disputes or disagreements in connection therewith.
2. Inadvertent production of any document or information protected from disclosure by the attorney-client privilege, the joint defense privilege, the work-product doctrine or any other applicable privilege or protection is not intended to be a waiver of such privileges or protections in whole or in part.

3. The objections and responses herein are made solely for the purpose of this action. Maker's objections and responses are not intended to waive or prejudice any objections that Maker's may assert now or in the future, including objections to the relevance of the subject matter of any discovery request, or to the admissibility of any response or document or category of responses or documents. Maker's expressly reserves any and all rights and privileges under the Federal Rules of Civil Procedure, the Federal Rules of Evidence, the rules of the United States Trademark Trial and Appeal Board, and any other applicable rule or law. The failure to assert such rights and privileges, or the inadvertent disclosure by Maker's of information protected by such rights or privileges, shall not constitute a waiver thereof, either with respect to these responses, the subject matter thereof, or with respect to any future discovery responses or objections.

4. No incidental or implied admissions are intended by the responses herein. The fact that Maker's has answered or objected to any request should not be taken as an admission that Maker's accepts or admits the existence of any "fact" set forth or assumed by such request. That Maker's has answered all or part of any request is not intended to be, and shall not be construed to be, a waiver by Maker's of any objection to any request, or any portion of any request.

5. To the extent that Applicant can identify authority that contradicts any objection Maker's makes below, Maker's is willing to reconsider that objection in light of that authority.

6. Maker's responses are based upon information presently available to and located by Maker's. Maker's has not completed investigation of the facts relating to this case, discovery in this action, or its preparation for trial. The responses are given without prejudice to Maker's right to produce evidence of any additional facts. As such, these responses are subject to

supplementation and amendment as discovery in this case progresses, should future investigation or discovery indicate that supplementation or amendment is necessary. Maker's reserves the right to make any use of, or introduce at any hearing or trial, information or documents that are responsive to these requests, but discovered subsequent to Maker's service of these responses, including, but not limited to, any information or documents obtained in discovery herein.

7. Maker's search for responsive documents and information is ongoing. Pursuant to Rule 26(e) of the Federal Rules of Civil Procedure, Maker's specifically reserves the right to supplement its productions in response to the Requests and, if necessary, to assert additional objections arising from further investigation.

GENERAL OBJECTIONS

In addition to the specific objections set forth in Maker's response to the each Request, the following objections apply to all of Applicant's Definitions and the Requests ("General Objections"), which are hereby incorporated by reference into the individual responses to the Requests, and shall have the same force and effect as if fully set forth in the responses to the Requests. Maker's objects as follows:

1. Maker's objects to each Request to the extent that it purports to impose upon Maker's discovery obligations that exceed those provided for in the Federal Rules of Civil Procedure, the rules of the United States Trademark Trial and Appeal Board, and any other applicable rule or law.

2. Maker's objects to the Requests to the extent that they seek to impose requirements or obligations on Maker's in addition to or different from those imposed by the Federal Rules of Civil Procedure, the rules of the United States Trademark Trial and Appeal Board, and any other applicable rule or law. Maker's will not undertake, assume, or comply with

the Requests to the extent they exceed the Federal Rules of Civil Procedure or the rules of the United States Trademark Trial and Appeal Board. Maker's responses to such Requests shall not be construed as an admission, agreement, or acquiescence in any such Request. Maker's hereby incorporates all objections, including the General Objections, set forth in its Opposer's Objections and Responses to Applicant's First Set of Interrogatories.

3. Maker's objects to the Requests as having no specified relevant time period. Applicant attempts to impose production obligations that are excessive, overly broad, and unduly burdensome, particularly given that the trademark application that is the subject of this opposition was not filed until March 24, 2017.

4. Maker's objects to any Request to the extent that it is vague, ambiguous, confusing, overly broad and unduly burdensome. For example, Maker's objects to the extent the Requests seek documents regarding all surveys, public opinion polls, or market research concerning any matter relating to Maker's marks, which is unduly burdensome given that Maker's has been using MAKER'S MARK in connection with whiskey since at least as early as November 1, 1957.

5. Maker's objects to any Request to the extent that it seeks information that is not relevant to the subject matter of this proceeding. Maker's objections and responses are not intended and should not be construed as an acknowledgement of relevance.

6. Maker's objects to any Request to the extent that it seeks information that is protected by the attorney-client, work product, investigative information, common interest, and/or consulting expert's privilege or which is otherwise immune from discovery pursuant to any applicable law or rule. Nothing contained in these responses is intended as, or shall in any way be deemed, a waiver of any attorney-client, work product, investigative information,

common interest, and/or consulting expert's privilege or any other applicable privileges, immunities, or exceptions, and to the extent that any Request may be construed as calling for disclosure of information, documents, and/or things protected by such privileges or doctrines, a continuing objection to each and every such Request is hereby asserted.

7. Maker's objects to any Request as overly broad and unduly burdensome to the extent that it seeks information already available to Applicant, available from public agency records, or otherwise in the public domain and accessible to both parties, or where the burden of obtaining, deriving, or ascertaining the responsive documents is substantially the same for Applicant as it is for Maker's.

8. Maker's objects to any Request to the extent that it seeks information that Maker's is not permitted to disclose pursuant to confidentiality obligations or agreements with third parties in the absence of a protective order entered in this case.

9. Maker's objects to any Request to the extent it seeks confidential and proprietary information, including trade secrets and competitively sensitive business information, where any purported marginal benefits of production of the requested information are outweighed by the burden associated with producing such highly sensitive materials.

10. Maker's objects to any Request as improper to the extent multiple subparts, whether specifically enumerated or otherwise, are asserted as a single Request.

11. Maker's objects to any Request to the extent that it seeks information that is not known or reasonably available to Maker's, or that is not within Maker's possession, custody, or control, or calls for Maker's to prepare documents and/or things that do not already exist. In responding to each Request, Maker's understands the Request as seeking only information that is in Maker's possession, custody, or control.

12. Maker's objects to these Requests to the extent that they seek to impose an obligation to identify or search for information or documents at any location, or from any source other than where they would reasonably be expected to be stored in the ordinary course of business.

13. Maker's discovery and investigation in connection with this case are ongoing. As a result, Maker's responses concern information obtained and reviewed to date, and the objections, limitations, and responses contained in this Response are subject to and without waiver of any right of Maker's to: (a) object to other discovery requests directed to the subject matter of the Requests and this Response; (b) make additional or supplementary objections to the Requests; and (c) revise, correct, supplement, or clarify the contents of this Response, after considering information obtained or reviewed through further discovery and investigation.

14. No objection, limitation, or response, or lack thereof, made herein shall be deemed an admission by Maker's as to the existence or non-existence of any information or documents, and shall not be construed in any way as an admission that any definition provided by Applicant is either factually correct or legally binding upon Maker's, or as a waiver of any of Maker's objections, including but not limited to objections regarding discoverability of documents or other evidence. Maker's enumeration of specific objections in response to each Request is not, and should not be construed to be, a waiver of any objection not so specified.

15. By identifying or producing any information, documents or things in response to any Request, Maker's does not stipulate, and expressly reserves all objections, to the authenticity, relevance, materiality, and admissibility of any such documents or things.

16. If Maker's produces information in response to any Request, Maker's reserves the right to produce additional information or documents that may come to its attention or become

available in the future or to use such information or documents in any hearing or proceeding in this or any other action.

17. Maker's objects to each Request to the extent it seeks "all" subject matter as overbroad and unduly burdensome. "All" shall be understood to mean the information that Maker's is able to locate using reasonable diligence and judgment concerning the whereabouts of responsive information and documents. Such phraseology should not be construed as a representation that each and every piece of information in the possession of Maker's has been examined in connection with these responses or any production pursuant thereto.

SPECIFIC OBJECTIONS AND RESPONSES

Request No. 1:

All documents referring or relating to applicant and applicant's trademark BOWMAKER'S WHISKEY.

Response to Request No. 1:

Maker's incorporates by reference the Preliminary Statement and General Objections set forth above. Maker's objects to the request to identify "all" documents as overbroad and unduly burdensome. Maker's objects to Applicant's lack of specificity in terms of a relevant time period. Maker's objects to this Request to the extent it seeks documents that are equally available to Applicant from public records including USPTO records, where the burden of obtaining such documents is substantially the same for Applicant as it is for Maker's. Maker's further objects to this Request to the extent it requests production of documents that are protected by the attorney-client, work product, investigative information, common interest, and/or consulting expert's privilege or which are otherwise immune from discovery pursuant to any applicable law or rule.

Subject to these Specific Objections and the General Objections, Maker's will produce non-privileged documents located after a reasonable search.

Request No. 2:

All documents referring to or relied upon by opposer in support of the notice of opposition.

Response to Request No. 2:

Maker's incorporates by reference the Preliminary Statement and General Objections set forth above. Maker's objects to the request to identify "all" documents as overbroad and unduly burdensome. Maker's objects to this Request to the extent it seeks documents that are equally available to Applicant from public records including USPTO records, where the burden of obtaining such documents is substantially the same for Applicant as it is for Maker's. Maker's further objects to this Request to the extent it requests production of documents that are protected by the attorney-client, work product, investigative information, common interest, and/or consulting expert's privilege or which are otherwise immune from discovery pursuant to any applicable law or rule.

Subject to these Specific Objections and the General Objections, Maker's will produce non-privileged documents relied upon in its notice of opposition.

Request No. 3:

All documents referring or relating to the conception, design, selection, approval, or adoption of Opposer's Marks.

Response to Request No. 3:

Maker's incorporates by reference the Preliminary Statement and General Objections set forth above. Maker's objects to Applicant's definition of "Opposer" (which includes, without limitation, "predecessors, subsidiaries, divisions, officers, attorneys, and all other persons in privity with opposer") as unduly burdensome and overly broad. Maker's objects to the request to identify "all" documents as overbroad and unduly burdensome, particularly given that MAKER'S MARK was adopted in the 1950s. Priority is not at issue as Maker's is clearly the senior user. Accordingly, information about Maker's selection of its marks is irrelevant, and producing such information would be unduly burdensome. Maker's further objects to this Request to the extent it requests production of documents that are protected by the attorney-client, work product, investigative information, common interest, and/or consulting expert's privilege or which are otherwise immune from discovery pursuant to any applicable law or rule. In light of the foregoing, unless or until Applicant revises this Request, or serves a properly tailored request in its place, Maker's cannot and will not produce any documents in response to this Request.

Request No. 4:

Representative documents referring or relating to opposer's first use of the Opposer's Marks anywhere and in interstate commerce.

Response to Request No. 4:

Maker's incorporates by reference the Preliminary Statement and General Objections set forth above. Maker's objects to Applicant's definition of "Opposer" (which includes, without limitation, "predecessors, subsidiaries, divisions, officers, attorneys, and all other persons in privity with opposer") as unduly burdensome and overly broad. Maker's objects to this Request to

the extent it seeks information that is irrelevant to the present opposition proceeding since priority is not at issue, particularly given that MAKER'S MARK was adopted in the 1950s. Maker's objects to this Request to the extent it seeks documents that are available to Applicant from public records, such as the records of the United States Patent and Trademark Office ("USPTO"), where the burden of obtaining such documents is substantially the same for Applicant as it is for Maker's. In light of the foregoing, unless or until Applicant revises this Request, or serves a properly tailored request in its place, Maker's cannot and will not produce any documents in response to this Request.

Request No. 5:

All documents listed in opposer's initial disclosures.

Response to Request No. 5:

Maker's incorporates by reference the Preliminary Statement and General Objections set forth above. Maker's objects to the request to identify "all" documents as overbroad and unduly burdensome. Maker's objects to this Request to the extent it seeks documents that are available to Applicant from public records, such as the records of the United States Patent and Trademark Office ("USPTO"), where the burden of obtaining such documents is substantially the same for Applicant as it is for Maker's. Maker's further objects to this Request to the extent it requests production of documents that are protected by the attorney-client, work product, investigative information, common interest, and/or consulting expert's privilege or which are otherwise immune from discovery pursuant to any applicable law or rule.

Subject to these Specific Objections and the General Objections, Maker's will produce documents identified in Opposer's Initial Disclosures.

Request No. 6:

All documents referring or relating to any application to register or registration of Opposer's Marks.

Response to Request No. 6:

Maker's incorporates by reference the Preliminary Statement and General Objections set forth above. Maker's objects to Applicant's definition of "Opposer" (which includes, without limitation, "predecessors, subsidiaries, divisions, officers, attorneys, and all other persons in privity with opposer") as unduly burdensome and overly broad. Maker's objects to the request to identify "all" documents as overbroad and unduly burdensome. Maker's objects to this Request to the extent it seeks documents that are available to Applicant from public records, such as the records of the United States Patent and Trademark Office ("USPTO"), where the burden of obtaining such documents is substantially the same for Applicant as it is for Maker's. Maker's further objects to this Request to the extent it requests production of documents that are protected by the attorney-client, work product, investigative information, common interest, and/or consulting expert's privilege or which are otherwise immune from discovery pursuant to any applicable law or rule. In light of the foregoing, unless or until Applicant revises this Request, or serves a properly tailored request in its place, Maker's cannot and will not produce any documents in response to this Request.

Request No. 7:

All articles, publications, trade publications, etc. referring or relating to Opposer's Marks.

Response to Request No. 7:

Maker's incorporates by reference the Preliminary Statement and General Objections set forth above. Maker's objects to Applicant's definition of "Opposer" (which includes, without

limitation, “predecessors, subsidiaries, divisions, officers, attorneys, and all other persons in privy with opposer”) as unduly burdensome and overly broad. Maker’s objects to the request to identify “all” documents as overbroad and unduly burdensome. Maker’s objects to this Request to the extent it seeks documents that are available to Applicant from public records, where the burden of obtaining such documents is substantially the same for Applicant as it is for Maker’s.

Subject to these Specific Objections and the General Objections, Maker’s will produce sufficient documents to demonstrate use in commerce of the Opposer trademarks in this proceeding.

Request No. 8:

All documents which opposer intends to rely on during its testimony period in support of its case and all documents referring or relating to such documents.

Response to Request No. 8:

Maker’s incorporates by reference the Preliminary Statement and General Objections set forth above. Maker’s objects to the request to identify “all” documents as overbroad and unduly burdensome. Maker’s objects to this Request to the extent it seeks documents that are available to Applicant from public records, where the burden of obtaining such documents is substantially the same for Applicant as it is for Maker’s. Maker’s further objects to this Request to the extent it requests production of documents that are protected by the attorney-client, work product, investigative information, common interest, and/or consulting expert’s privilege or which are otherwise immune from discovery pursuant to any applicable law or rule.

Subject to these Specific Objections and the General Objections, Maker’s will produce documents it intends to rely on in this proceeding.

Request No. 9:

Samples showing the manner in which opposer uses Opposer's Marks for each of its products and/or services.

Response to Request No. 9:

Maker's incorporates by reference the Preliminary Statement and General Objections set forth above. Maker's objects to Applicant's definition of "Opposer" (which includes, without limitation, "predecessors, subsidiaries, divisions, officers, attorneys, and all other persons in privity with opposer") as unduly burdensome and overly broad.

Subject to these Specific Objections and the General Objections, Maker's will produce sample use in commerce of the Opposer trademarks that are included in this proceeding.

Request No. 10:

All surveys, public opinion polls, or market research concerning any matter relating to Opposer's Marks or the trademark BOWMAKER'S WHISKEY of applicant.

Response to Request No. 10:

Maker's incorporates by reference the Preliminary Statement and General Objections set forth above. Maker's objects to Applicant's definition of "Opposer" (which includes, without limitation, "predecessors, subsidiaries, divisions, officers, attorneys, and all other persons in privity with opposer") as unduly burdensome and overly broad. Maker's objects to the request to identify "[a]ll surveys, public opinion polls, or market research" as overbroad and unduly burdensome. Maker's further objects to this Request to the extent it seeks information that is irrelevant to the present opposition proceeding. Maker's objects to this Request as vague and ambiguous concerning the relevant time period, and unduly burdensome and overly broad. Maker's further objects to this Request to the extent it requests production of documents that are

protected by the attorney-client, work product, investigative information, common interest, and/or consulting expert's privilege or which are otherwise immune from discovery pursuant to any applicable law or rule. In light of the foregoing, unless or until Applicant revises this Request, or serves a properly tailored request in its place, Maker's cannot and will not produce any documents in response to this Request.

Request No. 11:

All license agreements under which opposer has licensed another to use Opposer's Marks and all documents referring or relating thereto.

Response to Request No. 11:

Maker's incorporates by reference the Preliminary Statement and General Objections set forth above. Maker's objects to Applicant's definition of "Opposer" (which includes, without limitation, "predecessors, subsidiaries, divisions, officers, attorneys, and all other persons in privity with opposer") as unduly burdensome and overly broad. Maker's objects to the request to identify "all license agreements" as overbroad and unduly burdensome. Maker's objects to this Request as vague and ambiguous concerning the relevant time period, and unduly burdensome and overly broad. Maker's further objects to this Request to the extent that it seeks information that Maker's is not permitted to disclose pursuant to confidentiality obligations or agreements with third parties. Maker's also objects to this Request to the extent it seeks confidential and proprietary information, including competitively sensitive business information, where any purported marginal benefits of production of the requested information are outweighed by the burden associated with producing such highly sensitive materials. Maker's objects to this Request to the extent it requests production of documents that are protected by the attorney-client, work product, investigative information, common interest, and/or consulting expert's

privilege or which are otherwise immune from discovery pursuant to any applicable law or rule. Maker's further objects to this Request to the extent it seeks information that is irrelevant to the present opposition proceeding. In light of the foregoing, unless or until Applicant revises this Request, or serves a properly tailored request in its place, Maker's cannot and will not produce any documents in response to this Request.

Request No. 12:

All documents referring or relating to opposer's enforcement or attempted enforcement of Opposer's Marks.

Response to Request No. 12:

Maker's incorporates by reference the Preliminary Statement and General Objections set forth above. Maker's objects to Applicant's definition of "Opposer" (which includes, without limitation, "predecessors, subsidiaries, divisions, officers, attorneys, and all other persons in privity with opposer") as unduly burdensome and overly broad. Maker's objects to the request to identify "all" documents as overbroad and unduly burdensome. Maker's objects to this Request as vague and ambiguous concerning the relevant time period, and unduly burdensome and overly broad. Maker's further objects to this Request to the extent that it seeks information that Maker's is not permitted to disclose pursuant to confidentiality obligations or agreements with third parties. Maker's also objects to this Request to the extent it seeks confidential and proprietary information, including competitively sensitive business information, where any purported marginal benefits of production of the requested information are outweighed by the burden associated with producing such highly sensitive materials. Maker's objects to this Request to the extent it requests production of documents that are protected by the attorney-client, work product, investigative information, common interest, and/or consulting expert's privilege or

which are otherwise immune from discovery pursuant to any applicable law or rule. Maker's objects to this Request to the extent it seeks documents that are available to Applicant from public records, such as the records of the United States Patent and Trademark Office ("USPTO"), where the burden of obtaining such documents is substantially the same for Applicant as it is for Maker's. Maker's further objects to this Request to the extent it seeks information that is irrelevant to the present opposition proceeding. In light of the foregoing, unless or until Applicant revises this Request, or serves a properly tailored request in its place, Maker's cannot and will not produce any documents in response to this Request.

Request No. 13:

All documents referring or relating to any litigation, opposition or cancellation proceeding involving Opposer's Marks.

Response to Request No. 13:

Maker's incorporates by reference the Preliminary Statement and General Objections set forth above. Maker's objects to Applicant's definition of "Opposer" (which includes, without limitation, "predecessors, subsidiaries, divisions, officers, attorneys, and all other persons in privity with opposer") as unduly burdensome and overly broad. Maker's objects to the request to identify "all" documents as overbroad and unduly burdensome. Maker's objects to this Request as vague and ambiguous concerning the relevant time period, and unduly burdensome and overly broad. Maker's further objects to this Request to the extent that it seeks information that Maker's is not permitted to disclose pursuant to confidentiality obligations or agreements with third parties. Maker's also objects to this Request to the extent it seeks confidential and proprietary information, including competitively sensitive business information, where any purported marginal benefits of production of the requested information are outweighed by the burden

associated with producing such highly sensitive materials. Maker's objects to this Request to the extent it requests production of documents that are protected by the attorney-client, work product, investigative information, common interest, and/or consulting expert's privilege or which are otherwise immune from discovery pursuant to any applicable law or rule. Maker's objects to this Request to the extent it seeks documents that are available to Applicant from public records, such as the records of the United States Patent and Trademark Office ("USPTO"), where the burden of obtaining such documents is substantially the same for Applicant as it is for Maker's. Maker's further objects to this Request to the extent it seeks information that is irrelevant to the present opposition proceeding. In light of the foregoing, unless or until Applicant revises this Request, or serves a properly tailored request in its place, Maker's cannot and will not produce any documents in response to this Request.

Request No. 14:

All documents referring or relating to opposer's allegation that opposer will be damaged by applicant's registration of the trademark BOWMAKER'S WHISKEY.

Response to Request No. 14:

Maker's incorporates by reference the Preliminary Statement and General Objections set forth above. Maker's objects to Applicant's definition of "Opposer" (which includes, without limitation, "predecessors, subsidiaries, divisions, officers, attorneys, and all other persons in privity with opposer") as unduly burdensome and overly broad. Maker's objects to the request to identify "all" documents as overbroad and unduly burdensome. Maker's also objects to this Request to the extent it seeks confidential and proprietary information, including competitively sensitive business information, where any purported marginal benefits of production of the requested information are outweighed by the burden associated with producing such highly

sensitive materials. Maker's objects to this Request to the extent it requests production of documents that are protected by the attorney-client, work product, investigative information, common interest, and/or consulting expert's privilege or which are otherwise immune from discovery pursuant to any applicable law or rule.

Subject to these Specific Objections and the General Objections, Maker's will produce sufficient documents to support Opposer's damages in this proceeding.

Request No. 15:

All documents between opposer and any third party relating to applicant.

Response to Request No. 15:

Maker's incorporates by reference the Preliminary Statement and General Objections set forth above. Maker's objects to Applicant's definition of "Opposer" (which includes, without limitation, "predecessors, subsidiaries, divisions, officers, attorneys, and all other persons in privity with opposer") as unduly burdensome and overly broad. Maker's objects to the request to identify "all" documents as overbroad and unduly burdensome. Maker's objects to this Request as vague and ambiguous concerning the relevant time period, and unduly burdensome and overly broad. Maker's further objects to this Request to the extent that it seeks information that Maker's is not permitted to disclose pursuant to confidentiality obligations or agreements with third parties. Maker's also objects to this Request to the extent it seeks confidential and proprietary information, including competitively sensitive business information, where any purported marginal benefits of production of the requested information are outweighed by the burden associated with producing such highly sensitive materials. Maker's objects to this Request to the extent it requests production of documents that are protected by the attorney-client, work product, investigative information, common interest, and/or consulting expert's privilege or

which are otherwise immune from discovery pursuant to any applicable law or rule. Maker's further objects to this Request to the extent it seeks information that is irrelevant to the present opposition proceeding. In light of the foregoing, unless or until Applicant revises this Request, or serves a properly tailored request in its place, Maker's cannot and will not produce any documents in response to this Request.

Request No. 16:

All documents referring or relating to any likelihood of confusion between opposer's products sold under Opposer's Marks and applicant's BOWMAKER'S WHISKEY products.

Response to Request No. 16:

Maker's incorporates by reference the Preliminary Statement and General Objections set forth above. Maker's objects to Applicant's definition of "Opposer" (which includes, without limitation, "predecessors, subsidiaries, divisions, officers, attorneys, and all other persons in privity with opposer") as unduly burdensome and overly broad. Maker's objects to the request to identify "all" documents as overbroad and unduly burdensome. Maker's also objects to this Request to the extent it seeks confidential and proprietary information, including competitively sensitive business information, where any purported marginal benefits of production of the requested information are outweighed by the burden associated with producing such highly sensitive materials. Maker's objects to this Request to the extent it requests production of documents that are protected by the attorney-client, work product, investigative information, common interest, and/or consulting expert's privilege or which are otherwise immune from discovery pursuant to any applicable law or rule. Maker's objects to this Request to the extent it seeks documents that are available to Applicant from public records, such as the records of the

United States Patent and Trademark Office (“USPTO”), where the burden of obtaining such documents is substantially the same for Applicant as it is for Maker’s.

Subject to these Specific Objections and the General Objections, Maker’s will produce sufficient documents to demonstrate a likelihood of confusion.

Request No. 17:

All documents referring or relating to any actual confusion between opposer’s products or services sold under Opposer’s Marks and applicant’s BOWMAKER’S WHISKEY products.

Response to Request No. 17:

Maker’s incorporates by reference the Preliminary Statement and General Objections set forth above. Maker’s objects to Applicant’s definition of “Opposer” (which includes, without limitation, “predecessors, subsidiaries, divisions, officers, attorneys, and all other persons in privity with opposer”) as unduly burdensome and overly broad. Maker’s objects to the request to identify “all” documents as overbroad and unduly burdensome. Maker’s also objects to this Request to the extent it seeks confidential and proprietary information, including competitively sensitive business information, where any purported marginal benefits of production of the requested information are outweighed by the burden associated with producing such highly sensitive materials. Maker’s objects to this Request to the extent it requests production of documents that are protected by the attorney-client, work product, investigative information, common interest, and/or consulting expert’s privilege or which are otherwise immune from discovery pursuant to any applicable law or rule. Maker’s objects to this Request to the extent it seeks documents that are available to Applicant from public records, such as the records of the United States Patent and Trademark Office (“USPTO”), where the burden of obtaining such documents is substantially the same for Applicant as it is for Maker’s.

Subject to these Specific Objections and the General Objections, Maker's will produce sufficient documents to demonstrate actual confusion.

Request No. 18:

Representative documents which summarize the total sales by year of products sold by opposer under Opposer's Marks for the last five years.

Response to Request No. 18:

Maker's incorporates by reference the Preliminary Statement and General Objections set forth above. Maker's objects to Applicant's definition of "Opposer" (which includes, without limitation, "predecessors, subsidiaries, divisions, officers, attorneys, and all other persons in privity with opposer") as unduly burdensome and overly broad. Maker's also objects to this Request to the extent it seeks confidential and proprietary information, including competitively sensitive business information, where any purported marginal benefits of production of the requested information are outweighed by the burden associated with producing such highly sensitive materials. Maker's further objects to this Request to the extent it seeks information that is irrelevant to the present opposition proceeding. Maker's objects to this Request to the extent it requests production of documents that are protected by the attorney-client, work product, investigative information, common interest, and/or consulting expert's privilege or which are otherwise immune from discovery pursuant to any applicable law or rule. Maker's further objects to this Request to the extent it seeks information that is irrelevant to the present opposition proceeding.

Subject to these Specific Objections and the General Objections, Maker's will produce sufficient documents to demonstrate sales of MAKER'S MARK whiskey.

Request No. 19:

Representative documents which summarize the total advertising expenditures by opposer for products using Opposer's Marks for the last five years.

Response to Request No. 19:

Maker's incorporates by reference the Preliminary Statement and General Objections set forth above. Maker's objects to Applicant's definition of "Opposer" (which includes, without limitation, "predecessors, subsidiaries, divisions, officers, attorneys, and all other persons in privity with opposer") as unduly burdensome and overly broad. Maker's also objects to this Request to the extent it seeks confidential and proprietary information, including competitively sensitive business information, where any purported marginal benefits of production of the requested information are outweighed by the burden associated with producing such highly sensitive materials. Maker's further objects to this Request to the extent it seeks information that is irrelevant to the present opposition proceeding. Maker's objects to this Request to the extent it requests production of documents that are protected by the attorney-client, work product, investigative information, common interest, and/or consulting expert's privilege or which are otherwise immune from discovery pursuant to any applicable law or rule. Maker's further objects to this Request to the extent it seeks information that is irrelevant to the present opposition proceeding.

Subject to these Specific Objections and the General Objections, Maker's will produce sufficient documents to demonstrate advertising of the MAKER'S MARK whiskey product.

Request No. 20:

All correspondence sent by or on behalf of opposer objecting to another's use of a name asserted to be confusingly similar to Opposer's Marks.

Response to Request No. 20:

Maker's incorporates by reference the Preliminary Statement and General Objections set forth above. Maker's objects to Applicant's definition of "Opposer" (which includes, without limitation, "predecessors, subsidiaries, divisions, officers, attorneys, and all other persons in privy with opposer") as unduly burdensome and overly broad. Maker's objects to the request to identify "all" correspondence as overbroad and unduly burdensome. Maker's objects to this Request as vague and ambiguous concerning the relevant time period, and unduly burdensome and overly broad. Maker's further objects to this Request to the extent that it seeks information that Maker's is not permitted to disclose pursuant to confidentiality obligations or agreements with third parties. Maker's also objects to this Request to the extent it seeks confidential and proprietary information, including competitively sensitive business information, where any purported marginal benefits of production of the requested information are outweighed by the burden associated with producing such highly sensitive materials. Maker's objects to this Request to the extent it requests production of documents that are protected by the attorney-client, work product, investigative information, common interest, and/or consulting expert's privilege or which are otherwise immune from discovery pursuant to any applicable law or rule. Maker's objects to this Request to the extent it seeks documents that are available to Applicant from public records, such as the records of the United States Patent and Trademark Office ("USPTO"), where the burden of obtaining such documents is substantially the same for Applicant as it is for Maker's. Maker's further objects to this Request to the extent it seeks information that is irrelevant to the present opposition proceeding. In light of the foregoing, unless or until Applicant revises this Request, or serves a properly tailored request in its place, Maker's cannot and will not produce any documents in response to this Request.

Request No. 21:

All documents evidencing opposer's agreement to another's use of a name using the words "Maker's," "Maker" or "Mark."

Response to Request No. 21:

Maker's incorporates by reference the Preliminary Statement and General Objections set forth above. Maker's objects to the request to identify "all" documents as overbroad and unduly burdensome. Maker's objects to this Request as vague and ambiguous concerning the relevant time period, and unduly burdensome and overly broad. Maker's further objects to this Request to the extent that it seeks information that Maker's is not permitted to disclose pursuant to confidentiality obligations or agreements with third parties. Maker's also objects to this Request to the extent it seeks confidential and proprietary information, including competitively sensitive business information, where any purported marginal benefits of production of the requested information are outweighed by the burden associated with producing such highly sensitive materials. Maker's objects to this Request to the extent it requests production of documents that are protected by the attorney-client, work product, investigative information, common interest, and/or consulting expert's privilege or which are otherwise immune from discovery pursuant to any applicable law or rule. Maker's objects to this Request to the extent it seeks documents that are available to Applicant from public records, such as the records of the United States Patent and Trademark Office ("USPTO"), where the burden of obtaining such documents is substantially the same for Applicant as it is for Maker's. Maker's further objects to this Request to the extent it seeks information that is irrelevant to the present opposition proceeding. In light of the foregoing, unless or until Applicant revises this Request, or serves a properly tailored

request in its place, Maker's cannot and will not produce any documents in response to this Request.

Request No. 22:

All documents identified in response to applicant's first set of interrogatories to opposer.

Response to Request No. 22:

Maker's incorporates by reference the Preliminary Statement and General Objections set forth above. Maker's objects to the request to identify "all" documents as overbroad and unduly burdensome.

Subject to these Specific Objections and the General Objections, Maker's will produce documents identified in response to Applicant's First Set of Interrogatories.

Request No. 22:

All documents referring or relating to the third party use and/or registration of names using the term "Maker's," "Maker" or "Mark" in the attached Exhibits 1-22, TESS copies of registrations for these trademarks.

Response to Request No. 22:

Maker's incorporates by reference the Preliminary Statement and General Objections set forth above. Maker's objects to the request to identify "all" documents as overbroad and unduly burdensome. Maker's objects to this Request as vague and ambiguous concerning the relevant time period, and unduly burdensome and overly broad. Maker's further objects to this Request to the extent that it seeks information that Maker's is not permitted to disclose pursuant to confidentiality obligations or agreements with third parties. Maker's also objects to this Request to the extent it seeks confidential and proprietary information, including competitively sensitive business information, where any purported marginal benefits of production of the requested

information are outweighed by the burden associated with producing such highly sensitive materials. Maker's objects to this Request to the extent it requests production of documents that are protected by the attorney-client, work product, investigative information, common interest, and/or consulting expert's privilege or which are otherwise immune from discovery pursuant to any applicable law or rule. Maker's objects to this Request to the extent it seeks documents that are available to Applicant from public records, such as the records of the United States Patent and Trademark Office ("USPTO"), where the burden of obtaining such documents is substantially the same for Applicant as it is for Maker's. Maker's further objects to this Request to the extent it seeks information that is irrelevant to the present opposition proceeding. In light of the foregoing, unless or until Applicant revises this Request, or serves a properly tailored request in its place, Maker's cannot and will not produce any documents in response to this Request.

September 19, 2018

Respectfully submitted,

By: /s/ Richard M. Assmus

Michael D. Adams
Richard M. Assmus
Daniel P. Virtue
MAYER BROWN LLP
P.O. Box 2828
Chicago, IL 60690-2828
(312) 701-8623

Attorneys for Opposer

CERTIFICATE OF SERVICE

I hereby certify that, on the 19th day of September, of 2018, the foregoing Opposer's Objections and Responses to Applicant's First Set of Requests for Production of Documents were sent via email on counsel for Applicant at the following addresses:

THEODORE A BREINER
BREINER & BREINER LLC
115 NORTH HENRY STREET
ALEXANDRIA, VA 22314-2903
UNITED STATES
tbreiner@bbpatlaw.com

Respectfully submitted,

By: /s/ Richard M Assmus _____

Michael D. Adams
Richard M. Assmus
Daniel P. Virtue
MAYER BROWN LLP
P.O. Box 2828
Chicago, IL 60690-2828
(312) 701-8623

Attorneys for Opposer

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

MAKER'S MARK DISTILLERY, INC.,)	
)	
Opposer,)	
)	
v.	)	Opposition No.: 91239589
)	
BOWMAKER'S WHISKEY COMPANY)	
	)	Serial No. 87/383,989
Applicant.	)	Mark: BOWMAKER'S WHISKEY

**OPPOSER'S FIRST SUPPLEMENTAL RESPONSES TO
APPLICANT'S FIRST SET OF REQUESTS FOR THE PRODUCTION OF
DOCUMENTS (NOS. 6, 10, 11, 15, 22)**

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure and Rules 406 and 408 of the Trademark Trial and Appeal Board Manual of Procedure ("TBMP"), Opposer Maker's Mark Distillery, Inc. ("Maker's"), by its attorneys, hereby supplements its Objections and Responses to Applicant's First Set of Requests for the Production of Documents (Nos. 6, 10, 11, 15, and 22) as follows.

Opposer incorporates by reference the Preliminary Statement, the General Objections, and the Specific Objections and Responses made in its initial Objections and Responses to Applicant's First Set of Interrogatories dated September 19, 2018.

Request No. 6:

All documents referring or relating to any application to register or registration of Opposer's Marks.

Response to Request No. 6:

Maker's incorporates by reference the Preliminary Statement and General Objections set forth above. Maker's objects to Applicant's definition of "Opposer" (which includes, without

limitation, “predecessors, subsidiaries, divisions, officers, attorneys, and all other persons in privy with opposer”) as unduly burdensome and overly broad. Maker’s objects to the request to identify “all” documents as overbroad and unduly burdensome. Maker’s objects to this Request to the extent it seeks documents that are available to Applicant from public records, such as the records of the United States Patent and Trademark Office (“USPTO”), where the burden of obtaining such documents is substantially the same for Applicant as it is for Maker’s. Maker’s further objects to this Request to the extent it requests production of documents that are protected by the attorney-client, work product, investigative information, common interest, and/or consulting expert’s privilege or which are otherwise immune from discovery pursuant to any applicable law or rule. In light of the foregoing, unless or until Applicant revises this Request, or serves a properly tailored request in its place, Maker’s cannot and will not produce any documents in response to this Request.

First Supplemental Response to Request No. 6

Without waiving and subject to the foregoing objections, Maker’s will produce non-privileged and non-work-product documents reasonably responsive to this request relating to the application to register or registration of Opposer’s Marks to the extent they are found after a reasonable search.

Request No. 10:

All surveys, public opinion polls, or market research concerning any matter relating to Opposer’s Marks or the trademark BOWMAKER’S WHISKEY of applicant.

Response to Request No. 10:

Maker’s incorporates by reference the Preliminary Statement and General Objections set forth above. Maker’s objects to Applicant’s definition of “Opposer” (which includes, without

limitation, “predecessors, subsidiaries, divisions, officers, attorneys, and all other persons in privy with opposer”) as unduly burdensome and overly broad. Maker’s objects to the request to identify “[a]ll surveys, public opinion polls, or market research” as overbroad and unduly burdensome. Maker’s further objects to this Request to the extent it seeks information that is irrelevant to the present opposition proceeding. Maker’s objects to this Request as vague and ambiguous concerning the relevant time period, and unduly burdensome and overly broad. Maker’s further objects to this Request to the extent it requests production of documents that are protected by the attorney-client, work product, investigative information, common interest, and/or consulting expert’s privilege or which are otherwise immune from discovery pursuant to any applicable law or rule. In light of the foregoing, unless or until Applicant revises this Request, or serves a properly tailored request in its place, Maker’s cannot and will not produce any documents in response to this Request.

First Supplemental Response to Request No. 10

Without waiving and subject to the foregoing objections, Maker’s will produce non-privileged and non-work-product documents reasonably responsive to this request relating to market research on Opposer’s Marks to the extent they are found after a reasonable search.

Request No. 11:

All license agreements under which opposer has licensed another to use Opposer’s Marks and all documents referring or relating thereto.

Response to Request No. 11:

Maker’s incorporates by reference the Preliminary Statement and General Objections set forth above. Maker’s objects to Applicant’s definition of “Opposer” (which includes, without limitation, “predecessors, subsidiaries, divisions, officers, attorneys, and all other persons in

privity with opposer”) as unduly burdensome and overly broad. Maker’s objects to the request to identify “all license agreements” as overbroad and unduly burdensome. Maker’s objects to this Request as vague and ambiguous concerning the relevant time period, and unduly burdensome and overly broad. Maker’s further objects to this Request to the extent that it seeks information that Maker’s is not permitted to disclose pursuant to confidentiality obligations or agreements with third parties. Maker’s also objects to this Request to the extent it seeks confidential and proprietary information, including competitively sensitive business information, where any purported marginal benefits of production of the requested information are outweighed by the burden associated with producing such highly sensitive materials. Maker’s objects to this Request to the extent it requests production of documents that are protected by the attorney-client, work product, investigative information, common interest, and/or consulting expert’s privilege or which are otherwise immune from discovery pursuant to any applicable law or rule. Maker’s further objects to this Request to the extent it seeks information that is irrelevant to the present opposition proceeding. In light of the foregoing, unless or until Applicant revises this Request, or serves a properly tailored request in its place, Maker’s cannot and will not produce any documents in response to this Request.

First Supplemental Response to Request No. 11

Without waiving and subject to the foregoing objections, Maker’s will produce non-privileged and non-work-product documents reasonably responsive to this request to the extent they are found after a reasonable search.

Request No. 15:

All documents between opposer and any third party relating to applicant.

Response to Request No. 15:

Maker's incorporates by reference the Preliminary Statement and General Objections set forth above. Maker's objects to Applicant's definition of "Opposer" (which includes, without limitation, "predecessors, subsidiaries, divisions, officers, attorneys, and all other persons in privity with opposer") as unduly burdensome and overly broad. Maker's objects to the request to identify "all" documents as overbroad and unduly burdensome. Maker's objects to this Request as vague and ambiguous concerning the relevant time period, and unduly burdensome and overly broad. Maker's further objects to this Request to the extent that it seeks information that Maker's is not permitted to disclose pursuant to confidentiality obligations or agreements with third parties. Maker's also objects to this Request to the extent it seeks confidential and proprietary information, including competitively sensitive business information, where any purported marginal benefits of production of the requested information are outweighed by the burden associated with producing such highly sensitive materials. Maker's objects to this Request to the extent it requests production of documents that are protected by the attorney-client, work product, investigative information, common interest, and/or consulting expert's privilege or which are otherwise immune from discovery pursuant to any applicable law or rule. Maker's further objects to this Request to the extent it seeks information that is irrelevant to the present opposition proceeding. In light of the foregoing, unless or until Applicant revises this Request, or serves a properly tailored request in its place, Maker's cannot and will not produce any documents in response to this Request.

First Supplemental Response to Request No. 15

Without waiving and subject to the foregoing objections, Maker's responds that there are no non-privileged and non-work-product documents that are responsive to this request.

Request No. 22:

All documents identified in response to applicant's first set of interrogatories to opposer.

Response to Request No. 22:

Maker's incorporates by reference the Preliminary Statement and General Objections set forth above. Maker's objects to the request to identify "all" documents as overbroad and unduly burdensome.

Subject to these Specific Objections and the General Objections, Maker's will produce documents identified in response to Applicant's First Set of Interrogatories.

First Supplemental Response to Request No. 22

Without waiving and subject to the foregoing objections, to the extent it has not done so already, Maker's will produce non-privileged and non-work-product documents reasonably responsive to this request.

July 24, 2020

Respectfully submitted,

By: /s/ Richard M. Assmus

Michael D. Adams
Richard M. Assmus
Daniel P. Virtue
MAYER BROWN LLP
P.O. Box 2828
Chicago, IL 60690-2828
(312) 701-8623

Attorneys for Opposer

CERTIFICATE OF SERVICE

I hereby certify that, on the 24th day of July, of 2020, the foregoing Opposer's First Supplemental Responses to Applicant's First Set of Requests for Production of Documents (Nos. 6, 10, 11, 15, and 22) were sent via email on counsel for Applicant at the following addresses:

THEODORE A BREINER
BREINER & BREINER LLC
115 NORTH HENRY STREET
ALEXANDRIA, VA 22314-2903
UNITED STATES
tbreiner@bbpatlaw.com

Respectfully submitted,

By: /s/ Richard M Assmus

Michael D. Adams
Richard M. Assmus
Daniel P. Virtue
MAYER BROWN LLP
P.O. Box 2828
Chicago, IL 60690-2828
(312) 701-8623

Attorneys for Opposer

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

MAKER’S MARK DISTILLERY, INC.,)	
)	
Opposer,)	
)	
v.	)	Opposition No.: 91239589
)	
BOWMAKER’S WHISKEY COMPANY)	
	)	Serial No. 87/383,989
Applicant.	)	Mark: BOWMAKER’S WHISKEY

**OPPOSER’S SECOND SUPPLEMENTAL RESPONSES TO
APPLICANT’S FIRST SET OF REQUESTS FOR THE PRODUCTION OF
DOCUMENTS (NOS. 3, 12, 13, 20 and 21)**

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure and Rules 406 and 408 of the Trademark Trial and Appeal Board Manual of Procedure (“TBMP”), Opposer Maker’s Mark Distillery, Inc. (“Maker’s”), by its attorneys, hereby supplements its Objections and Responses to Applicant’s First Set of Requests for the Production of Documents (Nos. 3, 12, 13, 20 and 21) as follows.

Opposer incorporates by reference the Preliminary Statement, the General Objections, and the Specific Objections and Responses made in its initial Objections and Responses to Applicant’s First Set of Requests for Production dated September 19, 2018 and its First Supplemental Responses to Applicant’s First Set of Requests for Production dated July 24, 2020.

Request No. 3:

All documents referring or relating to the conception, design, selection, approval, or adoption of Opposer’s Marks.

Response to Request No. 3:

Maker's incorporates by reference the Preliminary Statement and General Objections set forth above. Maker's objects to Applicant's definition of "Opposer" (which includes, without limitation, "predecessors, subsidiaries, divisions, officers, attorneys, and all other persons in privity with opposer") as unduly burdensome and overly broad. Maker's objects to the request to identify "all" documents as overbroad and unduly burdensome, particularly given that MAKER'S MARK was adopted in the 1950s. Priority is not at issue as Maker's is clearly the senior user. Accordingly, information about Maker's selection of its marks is irrelevant, and producing such information would be unduly burdensome. Maker's further objects to this Request to the extent it requests production of documents that are protected by the attorney-client, work product, investigative information, common interest, and/or consulting expert's privilege or which are otherwise immune from discovery pursuant to any applicable law or rule. In light of the foregoing, unless or until Applicant revises this Request, or serves a properly tailored request in its place, Maker's cannot and will not produce any documents in response to this Request.

Supplemental Response to Request No. 3

Without waiving and subject to the foregoing objections, to the extent it has not done so already, Maker's will produce non-privileged and non-work-product documents reasonably responsive to this request.

Request No. 12:

All documents referring or relating to opposer's enforcement or attempted enforcement of Opposer's Marks.

Response to Request No. 12:

Maker's incorporates by reference the Preliminary Statement and General Objections set forth above. Maker's objects to Applicant's definition of "Opposer" (which includes, without limitation, "predecessors, subsidiaries, divisions, officers, attorneys, and all other persons in privy with opposer") as unduly burdensome and overly broad. Maker's objects to the request to identify "all" documents as overbroad and unduly burdensome. Maker's objects to this Request as vague and ambiguous concerning the relevant time period, and unduly burdensome and overly broad. Maker's further objects to this Request to the extent that it seeks information that Maker's is not permitted to disclose pursuant to confidentiality obligations or agreements with third parties. Maker's also objects to this Request to the extent it seeks confidential and proprietary information, including competitively sensitive business information, where any purported marginal benefits of production of the requested information are outweighed by the burden associated with producing such highly sensitive materials. Maker's objects to this Request to the extent it requests production of documents that are protected by the attorney-client, work product, investigative information, common interest, and/or consulting expert's privilege or which are otherwise immune from discovery pursuant to any applicable law or rule. Maker's objects to this Request to the extent it seeks documents that are available to Applicant from public records, such as the records of the United States Patent and Trademark Office ("USPTO"), where the burden of obtaining such documents is substantially the same for Applicant as it is for Maker's. Maker's further objects to this Request to the extent it seeks information that is irrelevant to the present opposition proceeding. In light of the foregoing, unless or until Applicant revises this Request, or serves a properly tailored request in its place, Maker's cannot and will not produce any documents in response to this Request.

Supplemental Response to Request No. 12

Without waiving and subject to the foregoing objections, to the extent it has not done so already, Maker's will produce non-privileged and non-work-product documents reasonably responsive to this request.

Request No. 13:

All documents referring or relating to any litigation, opposition or cancellation proceeding involving Opposer's Marks.

Response to Request No. 13:

Maker's incorporates by reference the Preliminary Statement and General Objections set forth above. Maker's objects to Applicant's definition of "Opposer" (which includes, without limitation, "predecessors, subsidiaries, divisions, officers, attorneys, and all other persons in privity with opposer") as unduly burdensome and overly broad. Maker's objects to the request to identify "all" documents as overbroad and unduly burdensome. Maker's objects to this Request as vague and ambiguous concerning the relevant time period, and unduly burdensome and overly broad. Maker's further objects to this Request to the extent that it seeks information that Maker's is not permitted to disclose pursuant to confidentiality obligations or agreements with third parties. Maker's also objects to this Request to the extent it seeks confidential and proprietary information, including competitively sensitive business information, where any purported marginal benefits of production of the requested information are outweighed by the burden associated with producing such highly sensitive materials. Maker's objects to this Request to the extent it requests production of documents that are protected by the attorney-client, work product, investigative information, common interest, and/or consulting expert's privilege or which are otherwise immune from discovery pursuant to any applicable law or rule. Maker's

objects to this Request to the extent it seeks documents that are available to Applicant from public records, such as the records of the United States Patent and Trademark Office (“USPTO”), where the burden of obtaining such documents is substantially the same for Applicant as it is for Maker’s. Maker’s further objects to this Request to the extent it seeks information that is irrelevant to the present opposition proceeding. In light of the foregoing, unless or until Applicant revises this Request, or serves a properly tailored request in its place, Maker’s cannot and will not produce any documents in response to this Request.

Supplemental Response to Request No. 13

Without waiving and subject to the foregoing objections, to the extent it has not done so already, Maker’s will produce non-privileged and non-work-product documents reasonably responsive to this request.

Request No. 20:

All correspondence sent by or on behalf of opposer objecting to another’s use of a name asserted to be confusingly similar to Opposer’s Marks.

Response to Request No. 20:

Maker’s incorporates by reference the Preliminary Statement and General Objections set forth above. Maker’s objects to Applicant’s definition of “Opposer” (which includes, without limitation, “predecessors, subsidiaries, divisions, officers, attorneys, and all other persons in privity with opposer”) as unduly burdensome and overly broad. Maker’s objects to the request to identify “all” correspondence as overbroad and unduly burdensome. Maker’s objects to this Request as vague and ambiguous concerning the relevant time period, and unduly burdensome and overly broad. Maker’s further objects to this Request to the extent that it seeks information that Maker’s is not permitted to disclose pursuant to confidentiality obligations or agreements

with third parties. Maker's also objects to this Request to the extent it seeks confidential and proprietary information, including competitively sensitive business information, where any purported marginal benefits of production of the requested information are outweighed by the burden associated with producing such highly sensitive materials. Maker's objects to this Request to the extent it requests production of documents that are protected by the attorney-client, work product, investigative information, common interest, and/or consulting expert's privilege or which are otherwise immune from discovery pursuant to any applicable law or rule. Maker's objects to this Request to the extent it seeks documents that are available to Applicant from public records, such as the records of the United States Patent and Trademark Office ("USPTO"), where the burden of obtaining such documents is substantially the same for Applicant as it is for Maker's. Maker's further objects to this Request to the extent it seeks information that is irrelevant to the present opposition proceeding. In light of the foregoing, unless or until Applicant revises this Request, or serves a properly tailored request in its place, Maker's cannot and will not produce any documents in response to this Request.

Supplemental Response to Request No. 20

Without waiving and subject to the foregoing objections, to the extent it has not done so already, Maker's will produce non-privileged and non-work-product documents reasonably responsive to this request.

Request No. 21:

All documents evidencing opposer's agreement to another's use of a name using the words "Maker's," "Maker" or "Mark."

Response to Request No. 21:

Maker's incorporates by reference the Preliminary Statement and General Objections set forth above. Maker's objects to the request to identify "all" documents as overbroad and unduly burdensome. Maker's objects to this Request as vague and ambiguous concerning the relevant time period, and unduly burdensome and overly broad. Maker's further objects to this Request to the extent that it seeks information that Maker's is not permitted to disclose pursuant to confidentiality obligations or agreements with third parties. Maker's also objects to this Request to the extent it seeks confidential and proprietary information, including competitively sensitive business information, where any purported marginal benefits of production of the requested information are outweighed by the burden associated with producing such highly sensitive materials. Maker's objects to this Request to the extent it requests production of documents that are protected by the attorney-client, work product, investigative information, common interest, and/or consulting expert's privilege or which are otherwise immune from discovery pursuant to any applicable law or rule. Maker's objects to this Request to the extent it seeks documents that are available to Applicant from public records, such as the records of the United States Patent and Trademark Office ("USPTO"), where the burden of obtaining such documents is substantially the same for Applicant as it is for Maker's. Maker's further objects to this Request to the extent it seeks information that is irrelevant to the present opposition proceeding. In light of the foregoing, unless or until Applicant revises this Request, or serves a properly tailored request in its place, Maker's cannot and will not produce any documents in response to this Request.

Supplemental Response to Request No. 21

Without waiving and subject to the foregoing objections, to the extent it has not done so already, Maker's will produce non-privileged and non-work-product documents reasonably responsive to this request.

July 31, 2020

Respectfully submitted,

By: /s/ Richard M. Assmus

Michael D. Adams
Richard M. Assmus
Daniel P. Virtue
MAYER BROWN LLP
P.O. Box 2828
Chicago, IL 60690-2828
(312) 701-8623

Attorneys for Opposer

CERTIFICATE OF SERVICE

I hereby certify that, on the 31st day of July, of 2020, the foregoing Opposer's Second Supplemental Responses to Applicant's First Set of Requests for Production of Documents (Nos. 3, 12, 13, 20 and 21) were sent via email on counsel for Applicant at the following addresses:

THEODORE A BREINER
BREINER & BREINER LLC
115 NORTH HENRY STREET
ALEXANDRIA, VA 22314-2903
UNITED STATES
tbreiner@bbpatlaw.com

Respectfully submitted,

By: /s/ Daniel P. Virtue

Michael D. Adams
Richard M. Assmus
Daniel P. Virtue
MAYER BROWN LLP
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Chicago, IL 60690-2828
(312) 701-8623

Attorneys for Opposer

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

MAKER'S MARK DISTILLERY, INC.,)	
)	
Opposer,)	
)	
v.	)	Opposition No. 91239589
)	
)	
)	Serial No. 87/383,989
BOWMAKER'S WHISKEY COMPANY,)	Mark: BOWMAKER'S WHISKEY
)	
Applicant.)	

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APPLICANT'S SECOND REQUEST FOR THE PRODUCTION OF DOCUMENTS

Under the provisions of Rule 34 of the Federal Rules of Civil Procedure, 37 C.F.R. § 2.120 and TBMP § 406, applicant requests opposer to produce documents and tangible things (collectively called "items" hereinafter) in its possession, custody, or control, or to which it has access which constitutes or which relates or pertains in any way to any of the following categories. The items contemplated by this request shall be produced at the law offices of Breiner & Breiner, L.L.C., 115 North Henry Street, Alexandria, Virginia 22314, or at a place otherwise agreed upon by the parties.

In the event categories or subcategories overlap, items need be produced only once, however, all items in the

Opposition No. 91239589

possession, custody, or control of opposer are to be produced.

As to any documents withheld on the ground of privilege or work product, identify the document and state at least the following:

- (a) the basis for such claim;
- (b) the author of the document;
- (c) each individual or other person who received a copy of the document or to whom a copy of the document was sent;
- (d) the date of the document; and
- (e) the subject matter of the document.

Definitions, where applicable, are set forth in Applicant's First Set of Interrogatories.

Category No. 24

Please produce all market studies in opposer's possession, custody or control undertaken to determine the brand awareness and types of sales of Maker's Mark bourbon, including as referenced in the Declaration of Nathalie Philips at paragraph 5 of her declaration ("the Philips declaration").

Category No. 25

Please produce all documents referred to or relied

Opposition No. 91239589

upon in preparing the Philips declaration.

Category No. 26

Please produce representative samples of use of the trademark MAKER'S for alcoholic beverages and all uses of the trademark MAKER'S upon which opposer will rely during its testimony period.

Respectfully submitted,

BOWMAKER'S WHISKEY COMPANY

By: /s/Theodore A. Breiner
Theodore A. Breiner
Registration No. 32,103
BREINER & BREINER, L.L.C.
115 North Henry Street
Alexandria, Virginia 22314-2903
Telephone (703) 684-6885
Facsimile (703) 684-8206
tbreiner@bbpatlaw.com

July 1, 2020

Attorneys for Applicant

CERTIFICATE OF SERVICE

It is hereby certified that on this 1st day of
July, 2020, a true copy of the foregoing paper entitled-

APPLICANT'S SECOND REQUEST FOR THE PRODUCTION OF DOCUMENTS

was served by email on -

Michael D. Adams
MAYER BROWN LLP
P.O. BOX 2828
Chicago, Illinois 60690-2828
michaeladams@mayerbrown.com
rassmus@mayerbrown.com
gbarcelona@mayerbrown.com

/s/Theodore A. Breiner
THEODORE A. BREINER

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

MAKER’S MARK DISTILLERY, INC.,)	
)	
Opposer,)	
)	
v.	)	Opposition No.: 91239589
)	
BOWMAKER’S WHISKEY COMPANY)	
	)	Serial No. 87/383,989
Applicant.	)	Mark: BOWMAKER’S WHISKEY

**OPPOSER’S OBJECTIONS AND RESPONSES TO
APPLICANT’S SECOND SET OF REQUESTS FOR THE PRODUCTION OF
DOCUMENTS (NOS. 24-26)**

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure and Rules 406 and 410 of the Trademark Trial and Appeal Board Manual of Procedure (“TBMP”), Opposer Maker’s Mark Distillery, Inc. (“Maker’s”), by its attorneys, hereby objects and responds to Applicant’s Second Set of Requests for the Production of Documents (Nos. 24-26) (the “Requests”), propounded by Bowmaker’s Whiskey Company (“Applicant” or “Bowmaker’s”), as follows.

Opposer incorporates by reference the Preliminary Statement, the General Objections, and the Specific Objections and Responses made in its Objections and Responses to Applicant’s First Set of Requests for Production and First Set of Interrogatories dated September 19, 2018.

Request No. 24:

Please produce all market studies in opposer’s possession, custody or control undertaken to determine the brand awareness and types of sales of Maker’s Mark bourbon, including as referenced in the Declaration of Nathalie Philips at paragraph 5 of her declaration (the “Philips declaration”).

Response to Request No. 24:

Maker's incorporates by reference the Preliminary Statement and General Objections referenced above. Maker's further objects to this Request as it is duplicative of Request No. 10. Maker's also objects to this Request as vague and ambiguous concerning the relevant time period, and unduly burdensome and overly broad as it calls for the production of "all" market studies. Maker's further objects to this Request to the extent it requests production of documents that are protected by the attorney-client, work product, investigative information, common interest, and/or consulting expert's privilege or which are otherwise immune from discovery pursuant to any applicable law or rule. Without waiving and subject to the foregoing objections, Maker's will produce non-privileged and non-work-product documents reasonably responsive to this request to the extent they are found after a reasonable search.

Request No. 25:

Please produce all documents referred to or relied upon in preparing the Philips declaration.

Response to Request No. 25:

Maker's incorporates by reference the Preliminary Statement and General Objections referenced above. Without waiving and subject to the foregoing objections, Maker's will produce non-privileged and non-work-product documents reasonably responsive to this request to the extent they are found after a reasonable search.

Request No. 26:

Please produce representative samples of use of the trademark MAKER'S for alcoholic beverages and all uses of the trademark MAKER'S upon which opposer will rely during its testimony period.

Response to Request No. 26:

Maker's incorporates by reference the Preliminary Statement and General Objections referenced above. Maker's further objects to this Request as it is duplicative of Request No. 9. Without waiving and subject to the foregoing objections, Maker's will produce samples of its use of the Opposer trademarks that are included in this proceeding for alcoholic beverages.

July 31, 2020

Respectfully submitted,

By: /s/ Richard M. Assmus

Michael D. Adams
Richard M. Assmus
Daniel P. Virtue
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P.O. Box 2828
Chicago, IL 60690-2828
(312) 701-8623

Attorneys for Opposer

CERTIFICATE OF SERVICE

I hereby certify that, on the 31st day of July of 2020, the foregoing Opposer's Objections and Responses to Applicant's Second Set of Requests for Production of Documents were sent via email to counsel for Applicant at the following addresses:

THEODORE A BREINER
BREINER & BREINER LLC
115 NORTH HENRY STREET
ALEXANDRIA, VA 22314-2903
UNITED STATES
tbreiner@bbpatlaw.com

Respectfully submitted,

By: /s/ Daniel P. Virtue

Michael D. Adams
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